

HON'BLE SRI JUSTICE S. V. BHATT

Writ Petition No.24953 of 2017

ORDER:

The writ petition is filed apprehending dispossession pending statutory appeal filed against the proceedings File No.TAHSAN-EGOV0EOFF/ 213/ 2017-SA(B)-TAH(SKVM)-PDPDVN dated 27.06.2017 of the 3rd respondent and non consideration of request of petitioner for grant of interim order.

2. The remedy of appeal under Act 9/ 1977 is a substantive right to examine the facts in issue and the applicability of Act 9/ 1977. Preservation of *status quo* during the pendency of the appeal is one of the requirements. However, the same is subject to the requirements of *prima-facie* case, balance of convenience and irreparable loss to the appellant.

3. Hence, though the prayer is for granting interim order pending appeal, this court is of the view that the 2nd respondent ought to be directed to consider and dispose of the application filed by petitioner herein for interim orders, within two weeks from the date of receipt of a copy of this order. The petitioner is given liberty to file a memo by enclosing a copy of this order, within three days for taking up interim application and this court has no reason to anticipate that the Revenue Divisional Officer, being the Appellate Authority, declines to examine his interim application expeditiously.

4. The writ petition is, accordingly, disposed of. No order as to costs. Pending miscellaneous petitions if any in this writ petition shall stand dismissed in consequence.

S. V. BHATT, J

Date: 27.07.2017
BSS

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