

HON'BLE SRI JUSTICE S.V. BHATT

W.P. No.13526 OF 2016

ORDER:

The petitioners challenging the orders of 3rd respondent in RC.(B) No.492/2011 dated 24.10.2014 have filed the appeal before the 2nd respondent. The appeal is pending as on date. The 2nd respondent since declined to grant interim order, the present writ petition is filed for the following relief:

“...writ of Mandamus declaring the action of the 2nd respondent in not passing any orders in the appeal filed by the petitioner on 04-03-2016 against the order of the 3rd respondent made in Rc.(B).No.492/2011, Dt:24-10-2014 and the application for interim stay filed along with the appeal as illegal arbitrary and consequently direct the 2nd respondent to dispose of the appeal expeditiously further direct the respondents to allow the petitioners in possession of the shops constructed in Plot No.23A Obulaiah Nagar Layout in Sy.No. 563/1A and 563/2AB of Kallur Village and Mandal, Kurnool District pending the appeal...”

On 21.04.2016, by considering *prima facie* case and the grounds of challenge before 2nd respondent, this Court has passed a detailed order. After hearing Mr.Sta Ram and Mr.Murali Krishna, this Court is of the view that considering the issue at this stage of the matter would virtually amount to considering the merits of the appeal pending before the 2nd respondent. The possession of petitioners is protected through order dated 21.04.2016. Having regard to the nature of dispute between the parties and that the

appeal is pending before the 2nd respondent, I am satisfied that the writ petition can be disposed of by this order:

Interim order dated 21.04.2016 is made final order in the writ petition. The 2nd respondent is directed to dispose of the appeal expeditiously preferably within three months from the date of receipt of a copy of this order. Respondent No.4 is given liberty to file the copy of this order before the 2nd respondent and seek a date for expeditious disposal.

The writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

Date:18.07.2017
Sp



S.V.BHATT, J

