

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI**

Writ Appeal No.245 of 2018

JUDGMENT: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

After arguing for some time, the learned Government Pleader for Revenue (Assignment), appearing on behalf of the appellants, would seek permission of this Court to withdraw the writ appeal with liberty to file a petition seeking vacation of the interim order under appeal. He would point out that, at the stage of admission and without the appellants herein even being given an opportunity to file their counter-affidavit, the Learned Single Judge had issued a show cause notice to the Joint Collector, Y.S.R.District, Kadapa asking him to show cause why contempt proceedings should not be initiated against him for including the 1st respondent-writ petitioner's lands in the list of prohibited lands communicated to the 7th respondent therein, inspite of the decision of this Court in W.A.No.39 of 2008 and batch dated 25.08.2009.

In its order in W.A.No.39 of 2008 and batch, the Division Bench followed the earlier order in W.A.No.950 of 2007 dated 30.12.2008. While the submission of Sri V.R.Reddy Kovvuri, learned counsel for the 1st respondent-writ petitioner, that, on assigned lands being mortgaged to the bank and on their being put to auction, the title over the said lands would vest in the auction purchaser and these lands must be treated as patta lands, has considerable force, we are not inclined to examine this aspect, since the learned Government Pleader merely seeks liberty to file a petition to vacate the interim order under appeal and to have that portion of the order set aside whereby the learned Single Judge asked the Joint Collector, Y.S.R.District, Kadapa to show cause why contempt proceedings should not be initiated against him. In

our view the interim order under appeal, directing the Joint Collector, Y.S.R.District, Kadapa to show cause why contempt proceedings should not be initiated against him, ought not to have been passed at the stage of admission of the writ petition, even without the respondents in the writ petition being given an opportunity to file their counter-affidavit.

The interim order under appeal, to the limited extent the Joint Collector, Y.S.R.District, Kadapa was asked to show cause why contempt proceedings should not be initiated against him, is accordingly set aside. The Writ Appeal is dismissed as withdrawn in all other aspects, granting liberty to the appellants herein, if they so choose, to file a petition, to vacate the interim order under appeal, before the Learned Single Judge.

The Writ Appeal is disposed of accordingly. Miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.



(RAMESH RANGANATHAN, ACJ)

(KONGARA VIJAYA LAKSHMI, J)

22nd February, 2018
JSU

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Writ Appeal No.245 of 2018

Date: 22.02.2018

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