THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

Writ Appeal No. 209 of 2018

Judgment: **(Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)**

Heard the learned Government Pleader for Revenue (Assignment) appearing on behalf of the appellants, and Sri Ambati Sudhakara Rao, learned counsel for the respondent-writ petitioner.

Several contentions are urged, by the learned Government Pleader for Revenue (Assignment) regarding the validity of the order under appeal, including that no assignment patta was granted. Reference is made in this regard to the endorsement of the Joint Collector dated 4.1.2018. On the other hand, Sri Ambati Sudhakar Rao, learned counsel for the respondent-writ petitioner, would refer to the counter-affidavit, filed by the then Tahsildar in W.P. No. 27583 of 2009, wherein it is admitted by him that the subject lands were assigned in favour of Sri K. Gopal Reddy from whom the respondent-writ petitioner purchased the subject property.

As the interim order was passed before they could file a counter-affidavit, it is always open to the appellants herein to now file a counter-affidavit, along with an application to vacate the interim order. Learned Government Pleader for Revenue (Assignment) would submit that the learned Single Judge had initiated suo motu contempt proceedings against the appellants even without giving them an opportunity of filing their counter-affidavit in the Writ Petition.

The order under appeal, to the limited extent, the learned Single Judge initiated suo motu contempt proceedings, is set aside.

Leaving it open to the appellants herein to seek vacation of the interim order by filing a petition to vacate stay, the Writ Appeal is dismissed in all other aspects. Miscellaneous Petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(KONGARA VIJAYA LAKSHMI, J)

9th February, 2018
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HIGH COURT OF JUDICATURE AT HYDERABAD FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
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