

HON'BLE THE CHIEF JUSTICE
SRI THOTTATHIL B. RADHAKRISHNAN
AND
HON'BLE SRI JUSTICE S.V.BHATT

WRIT APPEAL Nos.1346 AND 1380 OF 2018

COMMON JUDGMENT: *(Per Hon'ble Sri Justice S.V.Bhatt)*

Heard Mr.J.U.M.V. Prasad for appellants, Mr.N.Nageshwar Rao for respondent No.4 and the learned Government Pleader for Revenue.

These two writ appeals arise from the common order dated 25.09.2018 in W.P.Nos.28133 and 32097 of 2018.

J.Lakshmi and Madireddy Akkamma are the appellants herein.

The prayers in the two writ petitions read thus:

W.P. No.28133 of 2018:

“.. Mandamus declaring the action of the 2nd respondent in issuing the prohibitory orders dated 24. 06. 2018 in No. B/183/2018 directing the petitioner and the 4th respondent not to enter into the land in Sy. Nos. 642 and 643 to an extent of Ac 8-08 gts and Ac. 11-23 gts respectively of Bopparam village Nennel Mandal, Mancherla District that too during the pendency of the Statutory Appeal before the Appellate Authority by succumbing to the pressures brought out by the 4th respondent as being illegal arbitrary and is in violation of principles of natural justice and established judicial precedents and consequently set aside the same...”

W.P.No.32097 of 2018:

“...Mandamus declaring the action of the 2nd respondent in issuing the prohibitory orders dated 05 07 2018 in No. B/270/2018 directing the petitioner and the 4th respondent not to enter into the land in Sy. Nos. 614 and 586 to an extent of Ac 0-28 gts and Ac 5-15 gts respectively of Bopparam village, Nennel Mandal, Mancherla District that too during the pendency of the Statutory Appeal before the Appellate Authority by succumbing to the pressures brought out by the 4th respondent as being illegal, arbitrary and is in violation of principles of natural justice and established judicial precedents and consequently set aside the same...”

The subject matter of writ petitions is an extent of Acs.8-8 gts. and Acs.11-23 gts. in Survey Nos.642 and 643, and an extent of Ac.0-28 gts and Acs.5-15 gts. in Survey Nos. 614 and 586 respectively of Bopparam Village, Nennel Mandal, Mancherial District. The Tahsildar issued proceedings No.ROR/Nennel/68/2010 and also proceedings under Section 145 of Cr.P.C. vide order dated 05.07.2018 in File No.B/270/2018. Admittedly, the substantive prayers for decision between the parties are pending before the Revenue Divisional Officer, Bellampally.

We have perused the record and are of the view that the consideration on merits of an issue which is pending between the parties before R.D.O. may result in prejudice to one party or the other. Therefore, we have called upon the learned Government Pleader for Revenue to find out the time limit within which the appeal pending under ROR Act can be heard and disposed of by R.D.O, Bellampally. On instructions from appellate authority, the Government Pleader submits that the appeal pending before the R.D.O. in respect of the subject matter of writ petitions will be heard and disposed of within three months from today. Hence, the writ appeals are ordered as follows:

- (i) The Revenue Divisional Officer, Bellampally is directed to dispose of the appeal(s) filed by the appellants herein in accordance with the provisions of A.P. Rights in Land and Pattadar Pass Books Act within three months from today.

- (ii) The parties are directed to maintain status quo as regards possession and physical features of subject matter of writ appeals as on 24.06.2018 for a period of four months from today.
- (iii) The appellants herein are permitted to harvest the standing cotton crop raised in the subject matter under the supervision of Village Secretary or VRO, quantify the crop harvested in the presence of the Officer, deposit the sale proceeds in a separate account, and file the copy of counterfoil of the account in which the amount is deposited before the Revenue Divisional Officer on or before the hearing.
- (iv) The appellants are given liberty to file the copy of this order along with a memo and seek a date for disposal of appeal as directed by this order.

The writ appeals are ordered accordingly. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending stand closed.

THOTTATHIL B. RADHAKRISHNAN, CJ

S.V.BHATT, J

Date: 24.10.2018

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