

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CIVIL REVISION PETITION No.6324 of 2018

ORDER:

This Civil Revision Petition is filed aggrieved by the inaction of the Appellate Tribunal under Land Acquisition Act-cum-III Additional District Judge, Tirupati in disposing the application in I.A.No.716 of 2018 in L.A.A.S.No.173 of 2018.

Heard learned counsel for the petitioner, who submits that though petitioner has substantial rights over the subject property, the lower appellate Court is not deciding I.A.No.716 of 2018 in L.A.A.S.No.173 of 2018, as a result of which, the 2nd respondent has filed cheque petition in I.A.No.59/2018 in LAOP No.39/2013 for withdrawing the amount as per the Award passed by the Senior Civil Judge in LAOP No.39 of 2013.

Learned counsel for the 2nd respondent submits that the petitioner has no right in the subject land, which is the subject matter of LAOP No.39 of 2013, as such, the Court below has rightly decided the LAOP No.39 of 2013 in favour of the 2nd respondent. He further submits that the 2nd respondent has filed counter affidavit in I.A.No.716 of 2018 in LAAS No.173 of 2018.

In this case, it is to be seen that admittedly application i.e., I.A.No.716 of 2018 in LAAS No.173 of 2018 is pending before the III Addl. District Judge, Tirupati and it is for the said Court to decide the matter on merits.

In view of above facts and circumstances, this Civil Revision Petition is disposed of directing the III Additional District Judge, Tirupati to dispose of I.A.No.716 of 2018 in LAAS No.173 of 2018 within a period of two weeks. Till then, interim order granted by this Court on 29.10.2018 shall continue. It is made clear that this Court has not expressed any opinion on the merits of the case and it is for the Court below to decide the application on merits, after considering rival contentions of both parties.

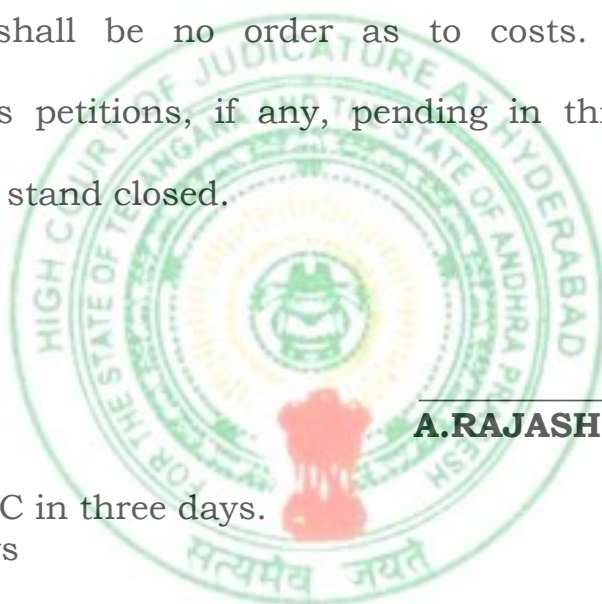
There shall be no order as to costs. Consequently, miscellaneous petitions, if any, pending in this Civil Revision Petition shall stand closed.

29.11.2018

Note: Issue CC in three days.

B/o. kvs

A.RAJASHEKER REDDY,J



HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CIVIL REVISION PETITION No.6324 of 2018



Date: 29.11.2018

kvs