

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.38928 OF 2018

O R D E R

Based on the representation of unofficial respondents, the 3rd respondent – Sub Collector, vide proceedings in Rc.No.B/2271/2017 dated 03.05.2018, cancelled the entries in favour of the petitioner in the revenue records in respect of the subject property. Aggrieved by the same, petitioner filed Inam Appeal No.24 of 2018 on the file of 2nd respondent – Joint Collector and Additional District Magistrate, Bhadrachalam. By interim order dated 26.06.2018, the 2nd respondent directed to maintain status quo from 3.5.2018 to 21.07.2017 and subsequently by order dated 21.07.2018, extended it up to 15.09.2018. The grievance of the petitioner is that during the subsistence of interim orders of status quo, the 3rd respondent, vide proceedings in Rc.No.B/1030/2018 dated 19.07.2018, granted Occupancy Rights Certificate (ORC) to the unofficial respondents. Aggrieved by the said proceedings, the present writ petition is filed.

Learned counsel for the petitioner contends that when the 2nd respondent – appellate authority, granted interim orders of status quo, the 3rd respondent – primary authority, ought not have granted ORC in favour of unofficial respondents in respect of the subject property and this amounts to violation of the orders passed by the appellate authority.

Heard the learned Assistant Government Pleader for Revenue.

Learned Counsel appearing for the unofficial respondents, could not dispute the submission of the learned counsel for the petitioner.

It is to be seen that when the 2nd respondent – appellate authority granted interim orders of status quo, it is not known how the 3rd respondent – primary authority, could grant ORC in favour of the unofficial respondents. On this ground alone and without expressing any opinion on other merits, the impugned proceedings of the 3rd respondent dated 19.07.2018, is set aside and the 2nd respondent is directed to dispose of the appeal filed by the petitioner in accordance with law, after affording opportunity of hearing, within a period of two months from the date of receipt of a copy of this order.

Learned counsel for the petitioner submits that the 2nd respondent granted interim orders of status quo for a limited period and the same may be extended until further orders. Since the 2nd respondent granted interim orders, it is open for the petitioner to file appropriate application before the said authority seeking extension of interim orders, which has to be considered in accordance with law.

Writ petition is accordingly allowed.

Interim applications pending, if any, shall stand closed. No costs.

A. RAJASHEKER REDDY, J

DATE: 01—11—2018

AVS