

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.40996 OF 2018

ORDER:

This writ petition is filed against the order dated 19.12.2017 and 12.01.2018 passed by the 3rd respondent in No.C/2509/2017 whereby the order of the 4th respondent dated 03.11.2016 in No.D/2024/2013 has been stayed pending appeal.

Learned counsel for the petitioners submits that the appeal filed by the 5th respondent before the 3rd respondent is time barred, but without considering the said aspect and without any speaking order, the impugned orders dated 19.12.2017 and 12.01.2018 granting stay and extending the stay, respectively, are passed pending appeal, which is erroneous and against Section 5(5) of the A.P.Rights in Land & Pattadar Pass Book Act, 1971.

Learned Assistant Government Pleader for Revenue submits that the impugned orders are only interlocutory orders and petitioners can raise all their objections in the main appeal pending before the 3rd respondent.

Heard Sri Y.Rama Rao, learned counsel for the 5th respondent.

This writ petition is filed only against the interlocutory orders in the appeal. Petitioners can raise all objections

arising out of limitation and other grounds in the appeal. This Court ordinarily will not interfere with the interlocutory orders when statutory appeal is pending. In view of the same, this Court is of the opinion that the appeal itself can be disposed of by considering the objections raised by the petitioners.

Accordingly, the writ petition is disposed of directing the 3rd respondent to dispose of the appeal filed by the 5th respondent after issuing notices to the petitioners as well as 5th respondent and also by considering all the pleas raised by the petitioners and 5th respondent, within a period of two months from the date of receipt of a copy of this order. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

14.11.2018
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