

HIGH COURT FOR THE STATE OF TELANGANA
THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN
AND
THE HON'BLE SRI JUSTICE A. ABHISHEK REDDY
WRIT APPEAL No.823 OF 2019
06.11.2019

Between:

Mohd. Shaboddin and another

... Appellants

and

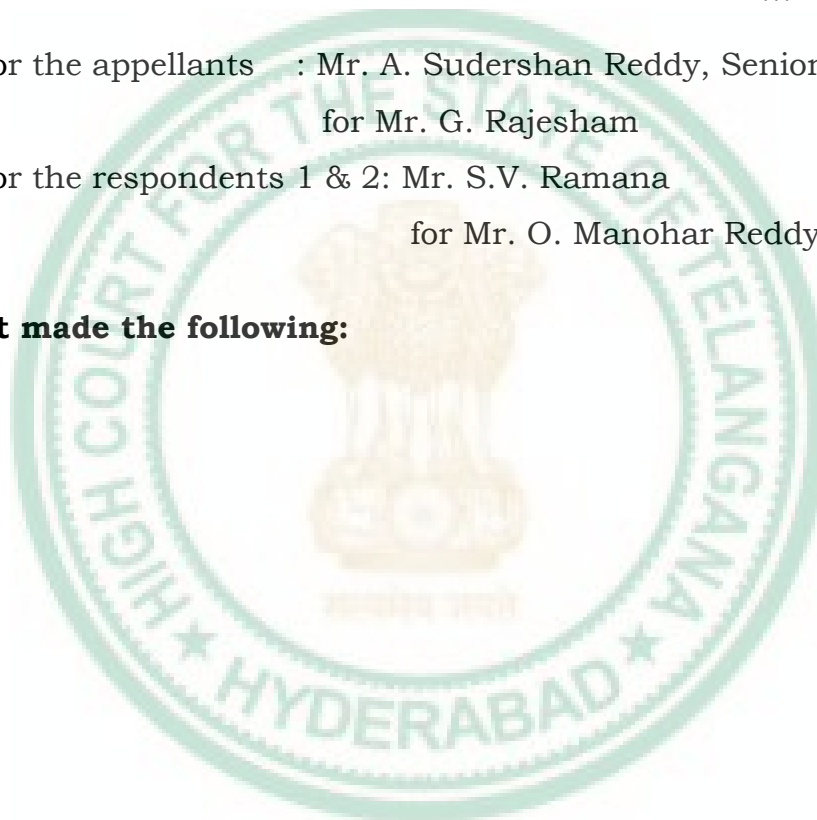
Subash Kapoor and others

...Respondents

Counsel for the appellants : Mr. A. Sudershan Reddy, Senior Counsel
for Mr. G. Rajesham

Counsel for the respondents 1 & 2: Mr. S.V. Ramana
for Mr. O. Manohar Reddy

The Court made the following:



JUDGMENT: (Per the Hon'ble the Chief Justice Sri Raghvendra Singh Chauhan)

The appellants have challenged the legality of the order dated 24.09.2019, passed by a learned Single Judge in I.A.No.1 of 2016 in W.P.No.38401 of 2016, wherein Mr. Subash Kapoor and Mr. Sudarshan Raj Kapoor have challenged the order dated 31.08.2016 passed by the Joint Collector-I, Ranga Reddy District, whereby the Joint Collector had confirmed the order dated 26.08.2015 passed by the Revenue Divisional Officer, Saroor Nagar Division, and the order dated 15.05.2013 passed by the Tahsildar, Maheshwaram Mandal.

By order dated 15.12.2016, a learned Single Judge had stayed the impugned order in W.P.No.38401 of 2016, but only for a period of eight weeks. Subsequent to the passing of the order dated 15.12.2016, the stay order granted by the learned Single Judge was never extended. However, by order dated 24.09.2019, the learned Single Judge has extended the order dated 15.12.2016. Hence, this appeal before this Court.

Mr. A. Sudershan Reddy, the learned Senior Counsel appearing for the appellants, pleads that the order dated 15.12.2016 was a limited order, in favour of the respondents-petitioners, for a period of only eight weeks. With the efflux of time, the said order has become *non est*. Moreover, since there was no application filed by the respondents-petitioners for extension of the said order, the learned Single judge was not justified in extending the order, which has no longer existed in the eyes of law. Therefore, the order dated 24.09.2019 deserves to be set aside.

On the other hand, Mr. S. V. Ramana, the learned counsel appearing for the respondent Nos.1 and 2, submits that ever since the order dated 15.12.2016 had expired, the case was never listed before the

concerned Court. Therefore, the learned Single Judge was justified in extending the order dated 15.12.2016 till further orders.

Admittedly, the order dated 15.12.2016 was granted for a limited period of only eight weeks. Thus, obviously, with the efflux of time, the said order came to an end. Admittedly, no application was filed by the respondents-petitioners for extension of the said order. Therefore, the learned Single Judge is not justified in extending an order, which has come to an end in the eyes of the law.

For the reasons stated above, this writ appeal is, hereby, allowed. The order dated 24.09.2019 is set aside. Since the writ petition has been pending ever since 2016, i.e for the last three years, the learned Single Judge is requested to decide this case, at the earliest, preferably within a period of three months from today. There shall be no order as to costs.

The miscellaneous petitions pending, if any, shall stand closed.

RAGHVENDRA SINGH CHAUHAN, CJ

A. ABHISHEK REDDY, J

06th November, 2019
JSU

High Court for the State of Telangana**THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN****AND****THE HON'BLE SRI JUSTICE A. ABHISHEK REDDY****WRIT APPEAL No.823 OF 2019****(Per the Hon'ble the Chief Justice Sri Raghvendra Singh Chauhan)****Date: 06.11.2019****JSU**