

HONOURABLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION No.26516 OF 2019

ORDER (ORAL) :

This writ petition is filed by the petitioner seeking a direction to respondent No.3 - Special Assistant Agent and Sub-Divisional Magistrate, Mobile Court, Bhadrachalam, Telangana, for disposing of the application for stay in I.A. No.365 of 2018 in O.S. No.369 of 2018.

2. Heard Sri T.P. Acharya, learned counsel for the petitioner, learned Government Pleader for Revenue appearing for respondent Nos.1 and 2, and learned Government Pleader for Social Welfare appearing for respondent Nos.3 and 4, and perused the material on record.

3. Learned counsel for the petitioner submits that the petitioner had filed the aforesaid suit before the 3rd respondent along with the application for stay and the same is pending since October, 2018, as there is no regular Presiding Officer and that the 4th respondent is only in-charge of the 3rd respondent Court. He further submits that since the appeal and the stay application are pending, the 5th respondent is taking advantage of stay not being granted and interfering with the peaceful possession and enjoyment of the petitioner over the subject property admeasuring Acs.4.14 guntas in Survey No.8/1 situated at

Vedanthapuram Vilalge, Aswaraopeta Mandal, Bhadradri
Kothagudem District.

4. Having regard to pendency of the aforestated suit along with the application for stay as submitted by the learned counsel for the petitioner which is not disputed by the learned Government Pleaders, this Court is of the view that the 3rd respondent shall be directed to consider the petitioner's application for stay in the aforestated suit.

5. Accordingly, the 3rd respondent is directed to consider and dispose of the petitioner's application in I.A. No.365 of 2018 in O.S. No.369 of 2018 in accordance with law within a period of six (6) weeks from the date of receipt of a copy of this order.

6. With the above directions, the writ petition is disposed of.
No order as to costs.

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

T. VINOD KUMAR, J

December 2, 2019.
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