

**HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN
AND
HON'BLE SRI JUSTICE A. RAJASHEKER REDDY**

WRIT APPEAL No.1901 of 2017

JUDGMENT: *(per the Hon'ble the Chief Justice Sri Thottathil B. Radhakrishnan)*

This Writ Appeal is against an order passed on a Vacate Stay Petition.

2. We have heard the learned counsel for the appellant and the learned Government Pleader for Revenue.

3. The order impugned in this Writ Appeal was issued by the learned Single Judge on 13.09.2017. By that order, an earlier order of status quo has been vacated. This relates to possession. The said order has been issued on the basis of orders of Civil Court. We see that the learned Single Judge has specifically observed all contentions inasmuch it has been clarified in the impugned order that the observations made therein are only for the purpose of considering the Vacate Stay Petition. Therefore, we do not see that rights of the parties as to title or eligibility to lawful possession would revolve ultimately upon the contents of the Vacate Stay Order. We therefore see that all issues are left open for consideration in the Writ Petition in which the Vacate Stay Petition has been ordered.

4. For the aforesaid reasons, we do not see any ground to interfere with the impugned order through this intra-court appeal.

5. Accordingly, the Writ Appeal fails and is dismissed leaving open all contentions to be raised in the Writ Petition.

Pending miscellaneous petitions, if any, shall also stand dismissed. There shall be no order as to costs.

THOTTATHIL B. RADHAKRISHNAN, CJ

Date: 25.02.2019

A. RAJASHEKER REDDY, J

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