

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THURSDAY, THE SEVENTEENTH DAY OF FEBRUARY 2019
TWO THOUSAND AND TWENTY TWO

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE SATISH CHANDRA SHARMA
AND**

THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT APPEAL NO: 773 OF 2019

Writ Appeal under clause 15 of the Letters Patent Preferred Against the Order Dated 28-12-2018, Passed in I.A.No.1 of 2018 in W.P.No.23434 of 2018, on the file of the High Court.

Between:

Boini Venkatesham, S/o Bheemaiah (Naisaiah) R/o Gopalraopeta village, Tandur Mandal, Mancherial Dist.

...APPELLANT/RESPONDENT No.4

AND

1. Kondu Ramaiah, S/o Late Chandraiah, aged about 52 years, Occ :Agriculture, R/o Chandrapelli Village Tandur Mandal Mancherial District.
2. Kondu Kistaiah, S/o Late Chandraiah, aged about 50 years, Occ Agriculture, R/o Chandrapelli Village Tandur Mandal Mancherial District.
3. Kondu Venkaiah, S/o Late Chandraiah, aged about 47 years, Occ Agriculture, R/o Chandrapelli Village, Tandur Mandal Mancherial District.
4. Kondu Banaiah, S/o Late Chandraiah, aged about 42 years, Occ Agriculture, R/o Chandrapelli Village, Tandur Mandal Mancherial District.

.....RESPONDENTS/WRIT PETITIONERS

5. State of Telangana, rep by its Principal Secretary, Revenue Department Secretariat, Hyderabad.
6. The Sub collector cum Sub Divisional Magistrate, Bellamapally Mancherial District.
7. The Tahasildar, Tandur Mandal, Mancherial District.
8. Sri Kondu Ashalu, S/o Venkati R/o Chandrapelli village of Tandur Mandal Mancherial District.

...RESPONDENTS/

RESPONDENTS 1 TO 3 AND 5 IN WP

IA NO: 2 OF 2019

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the interim order granted in WP No. 23434 of 2018 dated 10-7-2018 which was made absolute in IA No. 1 of 2018 in WP No. 23434 of 2018 by order dated 28-12-2018 pending disposal of the above writ appeal.

Counsel for the Appellant : SRI.V.RAVI KIRAN RAO

Counsel for the Respondent Nos.1 to 3 : SRI.G.MADHUSUDHAN REDDY

Counsel for the Respondent Nos.5 to 7 : G.P FOR REVENUE

Counsel for the Respondent No.8 : NONE APPEARED

The Court made the following judgment : -

THE HON'BLE THE CHIEF JUSTICE SATISH CHANDRA SHARMA
AND
THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT APPEAL No.773 of 2019

JUDGMENT: *(For the Hon'ble the Chief Justice Satish Chandra Sharma)*

The present writ appeal is arising out of an interim order dated 28.12.2018 passed by the learned Single Judge in I.A No.1 of 2018 in W.P.No.23434 of 2018.

The facts of the case reveal that the appellate authority has exercised the powers *suo motu* by registering an appeal and was proceeding ahead in the matter and in those circumstances, as there was no provision for *suo motu* exercise of appellate powers, the learned Single Judge has granted an interim order.

Before this Court also the learned counsel for the appellant (respondent No.4 in the writ petition) was requested to bring to the notice of this Court the provision relating to *suo motu* exercise of appellate power. He is fair enough in stating before this Court that there is no such statutory provision.

In the light of the aforesaid, this Court does not find any reason to interfere with the order passed by the learned Single Judge. However, it is made clear that this Court has not expressed any opinion on the merits of the case and the parties shall be free to raise all possible grounds before the

learned Single Judge. This Court does not find any reason to vacate the interim order granted by the learned Single Judge.

Office is directed to list W.P.No.23434 of 2018 before the learned Single on 29.03.2022 and the learned Single Judge is requested to decide the matter at an early date.

The writ appeal is accordingly dismissed.

The miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

SD/-M.VIJAYA BHASKAR
DEPUTY REGISTRAR

//TRUE COPY//

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SECTION OFFICER

To

1. One CC to SRI.V.RAVI KIRAN RAO, Advocate [OPUC]
2. One CC to SRI.G.MADHUSUDHAN REDDY, Advocate [OPUC]
3. The Section Officer, Posting Section, High Court for the State of Telangana at Hyderabad. (for posting the W.P as directed)
4. The Section Officer, Writ (Non - Service) Section, High Court for the State of Telangana at Hyderabad.
5. Two CD Copies
6. One spare copy

SA

V. J.

SW

HIGH COURT

DATED:17/02/2022

JUDGMENT

WA.No.773 of 2019



DISMISSING THE W.A

WITHOUT COSTS.

⑦ VVV
26/2/22