

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

**W.P.No.41750 OF 2015,
W.P.No.41756 OF 2015,
W.P.No.41789 OF 2015,
W.P.No.41796 OF 2015,
AND
W.P.No.41874 OF 2015**

COMMON ORDER:

Heard.

In all these writ petitions, each petitioner is questioning the resumption order dated 23.08.2010 passed by the 4th respondent.

In each case, identical eviction order is issued to the petitioners. They question the said order on the ground that the petitioners were never given any prior notices. Further, when they approached the 4th respondent for want of online certificates, the information relating to passing of resumption order came to their knowledge. The petitioners state that thereafter they obtained the copy of impugned order under the Right to Information Act and assert that they have been in continuous possession of the property and they were unaware of the said order. Even assuming that the contention of the petitioners is correct, the impugned order of resumption can be questioned by the petitioners in an appeal under the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 and the petitioners can as well inform the appellate authority that they could not prefer the appeal earlier, because they were not aware of passing of the said orders. Since the primary issue raised is that the petitioners were never served with any notices, though they are residents of the same village, the said issue also needs to be addressed by the respondent No.3, who was the appellate authority.

Hence, bypassing the appellate Tribunal, I am not inclined to entertain the writ petition after five years of passing the impugned order.

The writ petition is accordingly disposed of directing the petitioners to avail the appropriate remedy under the Act against the impugned orders in each of the writ petition. The status quo with regard to the land, which is

subject matter of each of the eviction orders, existing as on today, shall be maintained for a period of four weeks to enable the petitioners to approach the appropriate authority. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in these writ petitions shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 23-12-2015

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