

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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W.P.No. 6632 of 2015

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DATE: 17.03.2015

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Between:

Kesanapalli Nagamani

and 42 others .. Petitioners

And

1. The State of A.P.

2. The District Collector

3. The Revenue Divisional Officer

4. The Tahsildar

5. Mandal Revenue Inspector .. Respondents

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ORDER:-

ORDER:-

that the 4th respondent-Tahsildar issued notice dated 02.09.2014 indicating that the assignees have been illegally mining gravel in the lands in question. In response to the notice, the petitioners jointly submitted their explanation dated 19.09.2014 stating that they are not doing mining operations. Now, the petitioners' grievance is that the 4th respondent, without considering their explanation, passed order dated 31.12.2014 cancelling the pattas granted in their favour and resuming their lands to the Government. Hence, the present writ petition is filed seeking appropriate orders.

The learned counsel for the petitioners has contended that the 4th respondent, without considering the petitioners' explanation, which consists of various aspects, in proper perspective, issued the impugned order, as such, the same is liable to be set aside.

The learned Government Pleader for Revenue appearing for the respondents has submitted that the order is an appealable order and the petitioners may be relegated to avail alternative remedy as may be available to them under the statute.

Heard the learned counsel for both the parties and perused the material placed on record.

Having carefully perused the order impugned in this writ petition and in view of the submission made by the learned Government Pleader that the order under challenge is an appealable order, this Court is of the opinion that the petitioners can exhaust the remedy of appeal as there are questions of fact which are required to be considered by appropriate authority. Even assuming for the sake of argument that the primary authority has not adverted to certain aspects which the petitioners have urged, those aspects may also be dealt with by the appellate authority. However, considering the fact that the petitioners were granted pattas in the year 1995 and there is also some material on record with respect to non-availability of water source in their lands and efforts that were made for obtaining financial aid to make their lands fit for cultivation, this Court is inclined to

dispose of the writ petition with the following directions:

“The petitioners are at liberty to exhaust the remedy of appeal as may be available to them under law, within a period of eight weeks from today. Till such time as the petitioners avail alternative remedy of filing an appeal against the orders under challenge and such appeal is disposed of, the petitioners shall not be dispossessed from their respective lands.”

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

As a sequel to the disposal of the writ petition, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

CHALLA KODANDA RAM, J

17.03.2015

bcj