

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.23261 OF 2010

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed to declare the action of the 3rd respondent in issuing Dstraint Order, dated 19.06.2010, as illegal and arbitrary.

Heard the learned counsel for the petitioner and the learned counsel for the respondents.

The case of the petitioner is that he is an agriculturist and resident of Gudupalle, Mulakalacheruvu Mandal, Chittoor District. The Technical Assistants, Field Assistants and the Programme Officer, under the National Rural Employment Guarantee Scheme (NREGS), have executed works in the village of the petitioner. On 19.06.2010, the 3rd respondent – Tahsildar, Mulakalacheruvu Mandal, without providing an opportunity, has issued Dstraint Order in Form-I to the petitioner under Revenue Recovery Act, to pay an amount of R.11,693/-. Challenging the same, the present writ petition is filed.

The 3rd respondent filed a counter affidavit, denying the allegations made by the petitioner. It is averred by the 3rd respondent that when any order passed by the 3rd respondent, the petitioner is at liberty to file an appeal before the competent authority.

In view of the above, the petitioner is directed to approach the competent authority and file an appeal, if he is aggrieved over the order passed by the 3rd respondent. On such filing of the appeal, the competent authority is directed to dispose of the same in accordance with law within a period of six months from the date of filing of the

appeal. If there is any delay in preferring the appeal, the same is directed to the condoned, in view of the pendency of the writ petition before this Court.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

January 21, 2015.

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