

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.30661 of 2016

ORDER:

Heard Mr. A. Chandraiah Naidu for petitioner and the Assistant Government Pleader (Revenue) for respondents.

2. The case of petitioner is that the fourth respondent assigned an extent of Ac.1.99 cents in Sy.No.210/5 and Ac.0.50 cents in Sy.No.413/8 of Akkurthi Village to her. Petitioner continues to be in possession and enjoyment of the assigned land. The fourth respondent issued Roc.A/162/2016 dated 03.06.2016. The purport of the order impugned in the writ petition is to carry out changes in 1-B registered maintained under the A.P. Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act'), resume possession of assigned land from the petitioner.

3. As against the order of the fourth respondent, either treated as one under the Act or said to have been passed under the Board Standing Order, appeal is maintainable before the Revenue Divisional Officer. The reasons stated for invoking the extraordinary jurisdiction of this Court are that the fourth respondent while initiating the action against some other assignee, but not petitioner, considered allegedly on a holistic view of the matter and issued the order impugned in the writ petition. The further complaint against the order impugned is that the fourth respondent without serving a copy of the order impugned in the writ petition, waiting till the period for appeal is over, is trying to dispossess the petitioner and carry out changes in 1-B register.

4. The Assistant Government Pleader opposes the writ prayer and contends that the reasons stated are completely untenable as there

are series of disputed facts to be enquired into and considered, the remedy of appeal available is appropriate, the petitioner should be relegated to pursue the remedy of appeal. The Assistant Government Pleader fairly states that the action, if any the fourth respondent intends to take, ought to be taken after the period for appeal.

5. Having regard to the nature of disposal this Court proposes to give to the instant writ petition, the merits of the matter are not considered. I am satisfied the writ petition can be disposed of by this order.

6. Petitioner is given liberty to avail remedy of appeal against the order impugned in the writ petition within four (4) weeks from today. The apprehended action of either changing 1-B register or dispossessing the petitioner from the subject matter of the writ petition renders the appeal directed to be filed by this Court ineffective, hence, the order impugned in the writ petition is suspended for a period of three (3) months from today. The petitioner is given further liberty to obtain orders from the appellate authority after the appeal is filed and if such request is made, the appellate authority shall pass orders before the expiry of three (3) months period granted above.

The writ petition is disposed of. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

S. V. BHATT, J

September 12, 2016
DSK