

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.60 of 2016

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ORDER:

Heard.

Petitioners question the order of resumption passed by the 2nd respondent under Ex.P-11, dated 30-11-2015. Earlier, the petitioners had approached this Court in W.P.No.19094 of 2015 questioning the resumption order passed earlier on 30-04-2015. Having found that the said resumption order was passed without examining the explanation submitted by the petitioners, the said order was set aside by this Court on 29-06-2015 and the matter was remitted for fresh consideration to the 2nd respondent, who was directed to examine the explanation of the petitioners, verify the revenue record and then take appropriate decision by passing a reasoned order. Subsequent thereto in compliance of the said order, the present impugned order is stated to have been passed by the 2nd respondent.

Learned counsel for the petitioners, however, raises a serious contention that no record is available to substantiate that the land in question is an assigned land. He also questions the procedure adopted by the 2nd respondent in recording of the statement of the wife of the alleged assignee and submits that in the absence of any valid record, the resumption order is passed as if the land in question is an assigned land.

I am unable to consider any of the said contentions in view of the fact that an efficacious alternative remedy of appeal is provided as against the impugned order and no reasons are made out by the petitioners as to why this court is required to exercise its extraordinary jurisdiction against the impugned order. Hence, declining to exercise discretion of this Court under Article 226 of the Constitution of India, the petitioners are relegated with the appellate remedy available to them under law.

Hence, the petitioners are granted two weeks time from today to approach the appellate authority, within which time the status-quo existing as

on today, with regard to the land in question, shall be maintained.

With the aforesaid liberty, the writ petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 05-01-2016

Prv

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