

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.904 OF 2016

ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for Revenue.

Aggrieved by the order of seizure of petitioners' bore-well, under the WALTA Act passed by the Sub Collector, Madanapalle in ROC.C2/2781/2015, dated 21.11.2015, the petitioners stated to have filed appeal before the 2nd respondent-District Collector on 19.12.2015, which is now pending before the Joint Collector, Chittoor District. The order of seizure of bore-well now questioned in this writ petition.

Though, learned counsel for the petitioners state that an appeal is filed along with the stay petition, the record only shows the filing of appeal. Since the remedy of appeal is availed by the petitioners, I am not inclined to entertain the writ petition and it is appropriate to permit the petitioners to seek appropriate interim relief by making an application in the pending appeal, provided no such application is already filed. The 2nd respondent is directed to fix an early date for hearing of the appeal and interim application and at least hear and pass appropriate orders on the interim application of the petitioners preferably within a period of one week from the date of receipt of a copy of this order.

Therefore, with liberty to the petitioners to avail remedy so available under the WALTA Act, the writ petition is disposed of. There shall be no order as to costs.

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

VILAS V.AFZULPURKAR, J

07.01.2016
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