

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.30798 OF 2016

ORDER:

The subject matter of the Writ Petition is land to an extent of Ac.0-39 cents in R.S.No.24/1 situated at Thallavalasa Village, Bheemunipatnam Mandal, Visakhapatnam District. The petitioner complains against the illegal and highhanded acts of 4th respondent in attempting to dispossess her from the subject land and destroying the crop without any notice or enquiry, as illegal, arbitrary and unconstitutional.

2. Petitioner has filed Ex.P.1-notice in Form-II issued by the 4th respondent. The petitioner has stated that notice is not served on her, but an endorsement is taken from her son and thereafter, resumption proceedings are initiated. Hence, the Writ Petition for the relief referred to above.

3. The Assistant Government Pleader for Revenue, on instructions, admits that notice is not served on the petitioner, but the 4th respondent served the very same notice by way of substituted service on the petitioner by affixing the notice at the subject property, passed orders of resumption, and claims to have taken possession on 27.08.2016.

4. There is nothing on record to show that the order of resumption passed against the petitioner is at least communicated to her. Therefore, recourse said to have been taken by way of substituted service on the petitioner, cannot and could not be accepted as the same is not in conformity with the requirements of

Act 9 of 1977. The Assistant Government Pleader for Revenue, after going through the material available on record, submits that the 4th respondent would give an opportunity to the petitioner to submit explanation and thereafter, the 4th respondent will consider the matter afresh/independently and pass orders in accordance with law. The statement is placed on record.

5. Accordingly, the Writ Petition is disposed of with the following direction:

The petitioner is given two (02) weeks' time from today to submit explanation to the notice, dated 11.08.2016 in Form-II, issued by the 4th respondent, who in turn considers the explanation and passes orders in accordance with law. The parties are directed to maintain *status quo* as on today in all aspects till a decision is taken and communicated to the petitioner.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

JUSTICE S.V. BHATT

SEPTEMBER 12, 2016

Note:

Issue C.C.in four (4) days.

(B/o)
YVL

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Dt: 12.09.2016

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