

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.23702 of 2017

ORDER:

Heard Mr.I. Koti Reddy for petitioner and the learned Assistant Government Pleader (Revenue).

The petitioner prays for Mandamus declaring the action of 4th respondent in attempting to dispossess the petitioner from his patta land to an extent of Ac.4.14 Cents in Sy.No.1056, Ac.2.87 Cents in Sy.No.1056/7, Ac.3.17 Cents in Sy.No.1056/2, Ac.2.99 Cents in Sy.No.1056/8, Ac.3.17 Cents in Sy.No.1056/2, Ac.3.17 Cents in Sy.No.1056/10, Ac.3.56 Cents in Sy.No.1056/5, Ac.2.57 Cents in Sy.No.1056/9, Ac.4.04 Cents in Sy.No.1056/4 and Ac.3.22 Cents in Sy.No.1056/3, totaling to Ac.29.73 Cents, Gudipatipalli Village, H/o.Paduvanagulavaram, Veligandla Mandal, Prakasam District, without notice by putting the board in the subject matter of the writ petition as illegal, arbitrary and unconstitutional.

At the request of respondents, on 18-07-2017, the writ petition is directed to be listed today for admission. The prayer of writ petitioner is that the 4th respondent without

putting the petitioner on notice muchless affording opportunity is interfering with the possession and enjoyment of the petitioner of subject matter of the writ petition, and such interference is illegal, arbitrary and un-constitutional.

The written instructions, dated 19-07-2017 refer to initiating action for resumption of assigned land under A.P. Assigned Lands (POT) Act, 1977. The 4th respondent refers to notice, dated 27-05-2017 issued in Form-II to petitioner and as per the endorsement born out by the notice, dated 27-05-2017 the notice in fact is not served on the petitioner but by substituted service, the service of notice is accepted and resumption orders are stated to have been passed on 05-07-2017. The 4th respondent has not placed the copy of resumption order, dated 05-07-2017 or the service of resumption order on petitioner.

From these two circumstances, the grievance of the petitioner appears to be tenable. Since the order of resumption is passed, this Court is of the view that the petitioner can be given liberty to work out the remedies available against the resumption order, dated 05-07-2017.

After taking note of the written instructions, I am satisfied the writ petition can be disposed of by this order:

- a) the 4th respondent is directed to communicate the resumption order, dated 05-07-2017 by registered post with acknowledgement due to the address given by the petitioner in the instant writ petition within two weeks from today.
- b) The petitioner is given liberty to file appeal against the resumption order, dated 05-07-2017 within the time stipulated by law.
- c) The possession alleged to have been taken pursuant to the resumption order, dated 05-07-2017 cannot and could not be given effect to for a period of two (2) months from today, this enables the petitioner to obtain necessary orders from the appellate authority.

No order as to costs. Miscellaneous petitions, if any, pending, shall stand closed.

July 20, 2017

Pn

S. V. BHATT, J

THE HON'BLE SRI JUSTICE S.V. BHATT



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