

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.23636 OF 2017

ORDER:

Heard Sri V.S.R.Anjaneyulu for petitioner and the learned Assistant Government Pleader (Assignment) for respondents 1 to 4.

The issue arises under the A.P.Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act'). The petitioner challenges proceedings Rc.B.No.1640/2017 dated 23.05.2017 as illegal, arbitrary and unconstitutional.

Sri V.S.R.Anjaneyulu by referring to the procedure followed by the 4th respondent tried to persuade this Court that the statutory remedy of appeal is bypassed for valid and legal reasons.

The Assistant Government Pleader draws the attention of the Court to the order impugned in the writ petition and contends that the Sub-Collector, being the appellate authority, can examine the findings whether these findings at any rate warranted in the facts and circumstances of this case and pass orders. According to her, the remedy of appeal as matter of course in the case on hand is effective and bypassing the remedy of appeal is not warranted.

The case is heard on the maintainability of writ petition vis-à-vis the statutory remedy of appeal under the Act. After going through the order impugned in the writ petition, this Court is of the view that the petitioner can avail the remedy of appeal and also an application for grant of interim stay during pendency of the appeal can be moved.

Hence, I am satisfied the writ petition can be disposed of by this order:

(a) The petitioner is given liberty to file appeal along with an application for grant of interim order before the 3rd respondent by enclosing a copy of this order.

(b) The petitioner, if files appeal within the prescribed time, the 3rd respondent is under obligation to consider and pass orders on the interim application expeditiously.

(c) Learned counsel expresses apprehension that the respondents are taking steps to record delivery of possession even before statutory period for filing appeal is over.

(d) As the petitioner is relegated to work out the remedy of appeal, in the facts and circumstances of the case, the Court considers it appropriate to direct the parties to maintain *status-quo* till the interim application is disposed of by 3rd respondent.

The writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Dt: 18-07-2017
Prv

