

HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.17474 OF 2017

ORDER

Heard Mr.P.Nagendra Reddy, learned counsel for petitioners and learned Government Pleader (Assignment).

The petitioners challenge the proceeding No.REV-ESECOLAS(REP)/1/2017-JA(E3)-KCO, dated 27.05.2017 in the instant writ petition as illegal and unconstitutional.

Learned Government Pleader for Assignment submits that invoking jurisdiction of this Court under Article 226 of the Constitution of India to challenge the impugned proceeding and not availing the remedy available before the Board of Revenue is unsustainable.

Mr.P.Nagendra Reddy firstly persuades this Court that there is no further appeal against the said order before the Board of Revenue. However, he accepts the position that the Board of Revenue can entertain further appeal under Standing Order No.15 of the AP Board of Revenue of Standing Orders. He requests the Court to grant interim order for a limited period and the petitioners are prepared to avail the remedy before the Board of Revenue.

Learned Government Pleader submits that pursuant to the order dated 27.5.2017, the respondents have taken possession on 30.5.2017.

This Court has difficulty in accepting the statement of learned Government Pleader on the factum of taking possession from the petitioners.

The petitioners admittedly were not communicated the copy of order by them and secondly even before the expiry of period available for working out remedies before higher authority, the possession ought not to have been taken by the 3rd respondent. The taking of possession is presumed to be legal, if it is taken in the manner provided by law.

Having regard to the above circumstances, I am satisfied, to meet the ends of justice, the writ petition is disposed of by this order.

- (a) Petitioners are given liberty to avail the remedy against the order impugned in this W.P., before the Board of Revenue/Commissioner of Appeals within 15 days from the date of receipt of a copy of the order.
- (b) The proceeding impugned in the writ petition is suspended for a period of four weeks from today.
- (c) The petitioners if file an appeal along with an application for interim relief enclosing a copy of this order, the Commissioner of Appeal is directed to pass

orders on the said application before the expiry of period of four weeks of suspension granted by this Court.

There shall be no order as to costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE S.V.BHATT

2nd June, 2017
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