

HON' BLE SRI JUSTICE S.V. BHATT

Writ Petition No.24071 of 2017

ORDER:

Heard Sri K.V. Raghuvver for petitioner, the Assistant Government Pleader (Assignment) for respondents 1 to 4 and Mrs. Sumathi for 5th respondent.

2. The petitioner challenges the order of the Revenue Divisional Officer, Machilipatnam/ 3rd respondent dated 24.06.2017. The issue arises under the A.P. Assigned Lands (POT) Act, 1977.

3. Counsel for 5th respondent objects to maintainability of the writ petition without exhausting further remedy of appeal available before the 2nd respondent. Mr. K.V. Raghuvver appearing for petitioner contends that the order passed by respondents 3 and 4 show peremptory consideration of explanation given by petitioner and further failure to extend benefits of small farmer to petitioner, while taking a decision on the request of the 5th respondent would go to show that the remedy of further appeal before the 2nd respondent, even if undertaken by petitioner, the same would not result in objective consideration and disposal of all objections raised by petitioner. Therefore he contends that the writ petition is maintainable.

4. The grievance now made out against these orders cannot completely be ignored. May be that respondents 3 and 4 have not adverted to all the objections raised by petitioner. But the same approach cannot and ought not to be accepted from 2nd respondent as well. This court has no reason to doubt that 2nd respondent, if an appeal

is filed, will consider all circumstances, the explanation/ objections of petitioner, and passes a detailed order.

5. With the consent of learned counsel, the writ petition is disposed of by this order.

- (a) The petitioner is given liberty to file appeal within four weeks from today by enclosing a copy of this order.
- (b) The 2nd respondent is directed to consider and dispose of the appeal as expeditiously as possible, preferably within six (6) months from the date of receipt of the appeal.
- (c) During the pendency of appeal before the 2nd respondent, the parties are directed to maintain *status-quo* as regards possession and physical features of the subject matter of the writ petition.

No order as to costs. Pending miscellaneous petitions if any in this writ petition shall stand dismissed in consequence.

Date: 21.07.2017
BSS

S.V.BHATT, J



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