

HON'BLE SRI JUSTICE S.V. BHATT

Writ Petition No.18595 of 2017

ORDER:

The petitioner challenges the proceedings Ref.No./ B/ 468/ 2017, dated 18.05.2017, as illegal and violative of principles of natural justice. The other ground of challenge is that the Tahsildar, Katrenikona Mandal/ 4th respondent, has not communicated the copy of the impugned proceedings to petitioner and petitioner could take a copy of proceedings from 5th respondent.

2. I have perused the proceedings dated 18.05.2017. It refers to communication of copy to petitioner as well, but the mode or manner of service is silent.

3. Learned counsel for the petitioner fairly admits that the proceedings impugned in the writ petition can be challenged by way of appeal before the 3rd respondent and the petitioner may be given liberty to avail the remedy of appeal. The statement is placed on record.

4. Hence petitioner is given liberty to file appeal together with stay petition, within one week from today and is given liberty to enclose a copy of this order before the 3rd respondent. The 3rd respondent is directed to pass orders on the stay petition within four weeks from the date of receipt of the appeal/ stay petition. Through the proceedings impugned the 4th respondent is directed to resume the land. The resumption, if is undertaken or carried out before the petitioner avails the remedy of appeal or obtains necessary orders from the appellate authority, the petitioner will suffer prejudice and hardship. Hence, the

parties are directed to maintain *status-quo* as on date as regards physical features of the property for a period of four weeks from today.

5. The writ petition is, accordingly, disposed of. No order as to costs. Pending miscellaneous petitions if any in this writ petition shall stand dismissed in consequence.

S V. BHATT, J

Date: 09.06.2017
Note: Furnish CC in two days
(BO)
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URGENT
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