

HON'BLE SRI JUSTICE S. V. BHATT

Writ Petition No.19777 2017

ORDER:

Heard Sri I.Venkata Prasad for petitioner and learned Assistant Government Pleader (Revenue) for respondents 1 to 4.

2. The petitioner challenges the proceedings Rc.No.281/ 2017/ C dated 27.04.2017 of 3rd respondent, as illegal, arbitrary and contrary to A.P. WALTA Act, 2002 (for short 'the Act'). The petitioner, by reading the proceedings impugned in the writ petition, contends that the 3rd respondent refers to have issued notice dated 12.04.2017. However, the proceedings do not refer service of notice, receipt of acknowledgment or whether the 3rd respondent made any effort for finding out practicable or workable solution to the dispute between the petitioner and 4th respondent. The petitioner relies upon the decision of this court in '*P. Narayana Reddy vs. Mandal Revenue Officer, Morthad Mandal, Nizamabad & others*¹' for the proposition that there are two stages in the matter and that the 3rd respondent is required to issue notice before passing provisional order. He prays for admitting the writ petition and granting interim suspension of the proceedings.

3. Learned Assistant Government Pleader, opposes the consideration of writ prayer by contending that the petitioner has effective alternate remedy of appeal under the Act even assuming without admitting that the proceedings is silent on the service of notice, this aspect is examined by the record and prays that the writ petition may not be admitted.

¹ 2004(6) ALD 653

4. On the question of tentative arrangement, after perusing material available on record, he submits that the Appellate Authority will pass orders expeditiously, if stay application is moved by the petitioner.

5. Having regard to the objection taken by the Assistant Government Pleader, I am satisfied that the petitioner ought to be relegated to file appeal and also obtain urgent orders in the pending appeal. After perusing the material placed on record, including written instructions, this court is of the view that the proceedings dated 27.04.2017 is suspended for a period of six weeks from today and further directs the Appellate Authority/ 2nd respondent to consider and pass orders on the stay application filed by the petitioner along with the appeal.

6. The writ petition is, accordingly, disposed of by granting liberty to file appeal and proceedings impugned in the writ petition, having regard to the peculiar circumstances of the case, is suspended for a period of six weeks from today. The petitioner is given liberty to draw water during the course of six weeks period. No order as to costs. Pending miscellaneous petitions if any in this writ petition shall stand dismissed in consequence.

S.V.BHATT, J

Date: 19.06.2017
BSS

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