

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.39546 of 2015

ORDER:

The petitioner prays for the following relief :-

“... to issue a Writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in not furnishing resumption Proceedings Bearing RC.No.369/ 2007 in respect of the dry land to extent of Ac 3-96 cents & Ac 0-97 cents totaling to Ac 4-93 cents in survey number 185-3 & 186-1 of Paradesipalem, Visakhapatnam Rural Mandal, Visakhapatnam District, Andhra Pradesh as illegal, arbitrary and against the principles of natural justice and violating the Article 14, 21 & 300-A of the Constitution of India and consequently direct the 4th respondent to furnish resumption Proceedings RC.No.369/2007 passed by the 4th respondent in respect of the dry land to extent of Ac 3-96 cents & Ac 0-97 cents totaling to Ac 4-93 cents in survey number 185-3 & 186-1 of Paradesipalem, Visakhapatnam Rural Mandal, Visakhapatnam District, Andhra Pradesh”.

According to petitioner, a notice is used and the proceeding referred to in the writ prayer is not served on the petitioner or his father. Therefore, to enable the petitioner to work out remedy of appeal, the petitioner has been requesting for furnishing copy of resumption order.

Learned Assistant Government Pleader (Assignment), on instructions, submits that file refers to issuing notice and file does not contain further steps including Proceedings Rc.No.369/2007. Hence, the 4th respondent is not in a position to produce file. In other words, according to him, the enquiry initiated did not result in resumption orders. Therefore, he requests the Court to permit

the respondents to issue notice afresh and proceed in accordance with law, if circumstances warrant.

The statement is placed on record.

The writ petition is disposed of by granting liberty as prayed for by the learned Government Pleader.

The parties are directed to maintain status-quo as regards possession and physical features of subject matter for a period of three months from today.

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

No order as to costs.

Dt: 21-07-2017
Prv



S. V. BHATT, J

