

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.20635 of 2017

ORDER:

The petitioner complains against respondents 4 and 5 in interfering with the possession and enjoyment of petitioner over an extent of Ac.0-56 cents in Sy.No.135-1A and Ac.2-50 cents in Sy.No.135-1B of Venkayalapadu Village, Edlapadu Mandal, Guntur District, without recourse to law, as illegal and unconstitutional.

At request of Assistant Government Pleader, the writ petition has been directed to be taken up today to place on record the instructions.

The Assistant Government Pleader submits that show-cause notice was issued on 08-05-2015 and final order of resumption was passed on 29-05-2015. Therefore, the interference, if any, is in terms of or pursuant to the order dated 29-05-2015.

Sri Sasanka Bhuvanagiri, counsel for petitioner, fairly submits that the petitioner now is required to challenge the resumption order before the 3rd respondent herein and on the merits of the matter, he tries to convince this Court that the resumption order is violative of principles of natural justice for by reference to substituted service of notice, the resumption order is passed and there is nothing on record to show that the resumption order is

communicated to petitioner either. He seeks time to file appeal against the resumption order dated 29-05-2015.

After perusing the material available on record and after taking note of the submissions of the counsel appearing for parties, the writ petition is disposed of by this order.

The petitioner is given liberty to avail the remedy of appeal before the 3rd respondent against the resumption order dated 29-05-2015 within four weeks from today.

The appeal, if filed, as permitted by this Court, the 3rd respondent is directed to examine the merits of the appeal without reference to the delay, if any, in filing the appeal.

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

Miscellaneous petitions, if any, pending, shall stand closed.
No order as to costs.

Dt: 28-06-2017
Prv

S. V. BHATT, J

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