

THE HON' BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No. 46617 of 2016

ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for Revenue. Since this Court is not adjudicating the case on merits, it may not be necessary to issue notice to the unofficial respondent.

2. The present Writ Petition came to be filed seeking issuance of writ of Mandamus declaring the action of respondent No.3 in canceling the assignment granted in favour of the petitioners in respect of land admeasuring Acs.2.00 cents in Survey No.97/2B2 and Acs.2.41 cents in Survey No.97/2B1 total admeasuring Acs.4.41 cents of 102-E of Ramireddygari Palli Revenue Village, Pulicherla Mandal, Chittoor District through its proceedings vide Roc.G/391/2015, dated 14.09.2015 without conducting enquiry as contemplated under Act 9 of Assigned Land (Prohibition of Transfer) Act, 1977 (for short, 'the Act'), as illegal and arbitrary.

3. Learned counsel for the petitioners mainly submits that the impugned order came to be passed without following due process of law, and the same was also not served on to the petitioners. The said submission is objected by the learned Government Pleader for Revenue contending that remedies are available to the petitioners under the Act of 1977 against the impugned order.

4. A perusal of the impugned order would show that the petitioners herein were prosecuted in the proceedings before RDO i.e., in appeal proceedings and thereafter order dated 14.09.2015 was communicated to them vide registered post with acknowledgment due. Therefore the

grievance of the petitioners that the impugned order was not communicated to them cannot be accepted. Further, since the Statute provides for remedy and the grievance of the petitioners is not with regard to violation of the principles of natural justice, this Court is of the view that it would be appropriate if the petitioners avail the remedy available under law.

5. In view of the above, the writ petition is disposed of directing the petitioners to prefer a revision along with an application for condoning the delay before the Joint Collector –respondent No.2, within a period of four weeks from today, in accordance with law, in which event the Joint Collector shall consider the same and the entire exercise of filing the appeal and obtaining interim orders, if any, shall be completed within a period of six weeks therefrom. Till such time, *status-quo* as on today shall be maintained with regard to the property in dispute. There shall be no order as to costs.

6. Miscellaneous petitions, pending if any, shall stand closed in the light of this final order.

JUSTICE C. PRAVEEN KUMAR

04.01.2017
vhb