

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.37789 of 2017

ORDER:

Heard Sri K.Goverdhan Reddy for petitioner and the Assistant Government Pleader for Social Welfare.

The petitioner prays for Writ of Certiorari and quash the order dated 03.10.2017 of 2nd respondent as illegal.

The Assistant Government Pleader objects to the maintainability of writ petition on the ground that the petitioner has effective alternative remedy of appeal before the District Collector and without availing the remedy of appeal filed the instant writ petition under Article 226 of the Constitution of India and the same is not maintainable.

The counsel for petitioner does not dispute the availability of efficacious remedy of appeal but tries to persuade this Court by referring to a few factors including the collection of report from the 3rd respondent and disposing of the matter by 2nd respondent and it is because of such approach, the petitioner is constrained to approach this Court under Article 226 of the Constitution of India.

The objection raised by the learned counsel is placed on record and this Court has no reason to doubt that either the 1st respondent or the 2nd respondent while discharging their functions and duties as a Court in agency area are required to act in accordance with law and objectively.

Mr.Goverdhan Reddy requests four weekstime to file appeal.

The request is accepted.

The writ petition is disposed of by this order.

(a) The petitioner is given liberty to file appeal against the order impugned in the writ petition within four weeks from today by enclosing a copy of this order.

(b) The appellate authority is directed to consider the application filed for interim relief and pass orders within two months from the date of filing of appeal/interlocutory application by the petitioner.

(c) The parties are directed to maintain *status-quo* as regards physical features of plaint schedule property till the interlocutory application is heard and disposed of by the appellate authority.

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

No order as to costs.

S. V. BHATT, J

Dt: 05-12-2017

Prv

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Prv