

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.17227 of 2018

ORDER:

The prayer of petitioner is against proceedings, dated 15.04.2006. The petitioner at the first instance filed W.P.No.2339 of 2006 for Mandamus declaring the action of respondents in allotting Ac.5-00 gts., in Sy.No.120/E of Kothapalem Village, Renigunta Mandal, Chittoor District, by dispossessing the petitioner and without considering the application made by petitioner for regularization on 15.12.2005, as illegal, arbitrary and unconstitutional.

On 20.12.2017, the said writ petition was dismissed by granting liberty to the petitioner to challenge proceedings, dated 15.04.2006.

Mr.B.S.Venkat Ramesh submits that in view of the liberty granted by this Court in W.P.No.2339 of 2006, dated 20.12.2017, the present writ petition is filed seeking following relief :-

“..... to issue a Writ or order more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent in rejecting the claim of the petitioner in proceedings Roc.No.B/ 123/ 2006, dated 15.4.2006, as illegal, arbitrary and violation of principles of natural justice and consequently suspend the proceedings of the 3rd respondent in Roc.B/ 123/ 2006, dated 15.4.2006.....”.

I have perused the order in W.P.No.2339 of 2006 dated 20.12.2017 and also the proceedings of 3rd respondent dated 15.04.2006. At the out set, it is required to be observed that this Court has granted liberty to challenge the proceedings dated 15.04.2006 and the liberty granted by this Court shall not be understood as this Court allowed the petitioner to challenge the proceedings dated 15.04.2006 by filing writ petition. Therefore, the ground stated by Mr.Venkat Ramesh, as noted above, for the reasons referred to above, is rejected.

This Court while disposing of W.P.No.2339 of 2006 granted liberty to challenge the proceedings dated 15.04.2006 rejecting the request of petitioner for regularization. The reasons recorded by the 3rd respondent are facts in issue either on entitlement or the basis for rejection.

This Court is of the view that the ends of justice are met if the petitioner is given liberty to file appeal before the 2nd respondent, as directed by this Court in W.P.No.2339 of 2006.

Hence, the writ petition is disposed of by this order.

(a) The petitioner is given liberty to file appeal before the 2nd respondent within four weeks from today by enclosing a copy of this order.

(b) As and when appeal is presented as permitted by this Court, the same is examined in

accordance with law and on its own merits and orders
are passed within a further period of three months.

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

No order as to costs.

S. V. BHATT, J

Date: 05-06-2018

Prv



