

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.18737 of 2018

ORDER:

Heard Sri K.Sai Ram Murthy for petitioner and the learned Assistant Government Pleader for Assignment.

On 07.06.2018, this Court directed production of record relating to Sy.Nos.166/3 and 166/3A/1p and in the meantime, the parties are directed to maintain *status-quo* till 13.06.2018.

The 4th respondent has placed the record for a perusal by the Court.

The petitioner challenges order in Rc.No.720/2017/A dated 23.03.2018 ordering resumption of an extent of Ac.0-80 cents in Sy.No.166/3A/1p of Ramakrishnapuram Village, Palasa Mandal, Srikakulam District.

Sri Sai Ram Murthy does not dispute the availability of remedy of appeal under the Act 9 of 1977. He tried to convince the Court that circumstances are singular in the case on hand and therefore, the effective remedy under Article 226 is availed by the petitioner. He alternatively contends that the entire scheme of resumption of possession of the subject matter is initiated and completed at the instance of 3rd respondent and, if the petitioner files appeal before 2nd respondent, the appeal is disposed of in a perfunctory manner. After taking note of the fact that the respondents are disputing the pattadar pass book on which the petitioner is relying on and also entitlement of the subject land through assignment, he seeks liberty of the Court to permit the petitioner to file revision/representation

before the District Collector against all the grievances the petitioner has vis-à-vis Sy.No.166/3.

Though the record is summoned, as a few issues are required to be enquired and comprehensive orders are to be passed, this Court is of the view that the request of petitioner to avail remedy of appeal under the Act 9 of 1977 before the 2nd respondent is permitted.

The petitioner is given liberty to file revision/representation for all the reliefs before the 2nd respondent within two weeks from today by enclosing a copy of this order.

The 2nd respondent examines the record relating to the subject matter of writ petition and passes appropriate orders, in accordance with law, as expeditiously as possible.

The 2nd respondent during and in the course of enquiry, if has to record a conclusion that the revenue records have been tampered or fabrication of revenue record is taken place, orders for prosecution are initiated on whosoever is responsible.

The development, if any taken place in the subject matter, is always subject to further orders of 2nd respondent or by the competent Court.

The writ petition is disposed of accordingly. No order as to costs.

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

S. V. BHATT, J

Dt: 13-06-2018
Prv

