

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.19437 of 2018

ORDER:

The petitioners caught in a peculiar situation namely on one hand the order of resumption dated 09.03.2018 is passed and on the other hand in the fact finding report, dated 06.06.2018 it is determined by the 4th respondent that the petitioners are in possession of house plots and there is no objection for continuing the house plots already assigned to petitioners.

This Court is of the view that the petitioners if file appeal before the Revenue Divisional Officer challenging the order of resumption, the petitioners can certainly rely on the fact finding report dated 06.06.2018 and thereafter take orders for regularisation of assignments already made in their favour.

Since the remedy of appeal is found to be effective, the writ petition is disposed of by granting liberty to petitioners to file appeal within two weeks from today and also stay petition for staying the operation of resumption order.

If the appeal/stay petition, as referred to above, is filed, the same is heard and disposed of along with other appeals pending in respect of the same subject matter.

The parties are directed to maintain status-quo as regards possession and physical features of the subject matter of appeal till disposal of appeal.

The Collector since has ordered field verification and report is available, it is unnecessary for this Court to observe that the Revenue Divisional Officer is under obligation to look at the fact finding report as well.

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



