

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.20811 of 2018

ORDER:

Heard Mr.K.Ram Mohan Chowdary for petitioner and the Assistant Government Pleader for Revenue.

The petitioner prays for the following relief :-

“..... to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the order of the 4th respondent in Rc.No.383/ 2018, dt.12.06.2018 in seizure of bore well of the petitioner in Sy.No.89-2B/ 2A to an extent of Ac.2.00 cents situated in Palavai Village, Kalyandurg Mandalam, Anantapuram District, without considering the explanation dt.13.06.2018, as endorsed by the 3rd respondent and without following any procedure under AP WALTA 2002 and Rules 2004 is illegal and arbitrary and consequently direct the 4th respondent to restore the petitioner's bore well dug in his land by setting aside order in Rc.No.383/ 2018 dt.12.06.2018...”.

The Assistant Government Pleader objects to the maintainability of writ petition on the ground that the petitioner has remedy of appeal 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.

After perusing the prayer and the averments in the affidavit, this Court is of the view that the remedy of appeal is available to petitioner.

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

(a) The petitioner is given liberty to file appeal within two weeks from today by enclosing a copy of this order.

(b) The appeal is directed to be heard and disposed of, as expeditiously as possible, preferably within three months from the date of filing appeal.

(c) The seizure of bore well effected through order dated 12.06.2018 is directed to be suspended pending appeal.

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

No order as to costs.

Dt: 21-06-2018
Prv



S. V. BHATT, J

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Prv