

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION NOs.21063, 21107, 21110, 21127,

21143, 21201 and 21214 OF 2018

COMMON ORDER:

Heard Mr. T.D.Phani Kumar for petitioners and the learned Government Pleader for respondents.

The orders challenged in the Writ Petitions are same and passed under A.P. Assigned Lands (Prohibition of Transfer) Act, 1977 ("the Act" for brevity). The Counsel appearing for the parties submit that the circumstances referred in WP.No.21063 of 2018 would be sufficient for disposing of all the Writ Petitions.

The petitioner is admittedly assignee of Government land. The fourth respondent, by referring to a complaint pending before the Honourable Lokayuktha, initiated action under the Act against petitioner. The circumstance which needs to be stated at this juncture is that in a few cases the complaint is that the assignees have not received the notices at all in the enquiry initiated by fourth respondent. In one of the cases, notice is received and explanation is given denying the very transfer of assigned land, by referring to which, action is initiated by the fourth respondent. The fourth respondent, through the order impugned in the Writ Petition, ordered resumption of assigned land. Hence, the Writ Petition.

The petitioner raises several legal and factual objections against the impugned order. The Assistant Government Pleader objects to the maintainability of Writ Petition on the ground that the petitioner has effective statutory remedy of appeal before third respondent. The Assistant Government Pleader further contends

that the grounds now raised by petitioner can be examined in detail by the appellate authority and the scope of enquiry before the appellate authority is not limited either to law or fact and therefore, prays for dismissing the Writ Petition.

Prima facie, it appears to this Court that in the circumstances of this case, the petitioner ought to be allowed to working out the remedy of appeal before third respondent and to meet the ends of justice, the possession of petitioner is protected during the pendency of appeal.

Accordingly, the Writ Petition is disposed of by this order. The petitioner is given liberty to file appeal enclosing a copy of this order within four (4) weeks from today. The fourth respondent takes the appeal on file, calls for the record of assignment and also the file relating to resumption of land ordered by fourth respondent. The appeal is disposed of, as expeditiously as possible, preferably within four (4) months from the date of filing of appeal. Pending appeal and till the communication of order in the appeal, the possession of subject matter of resumption order shall not be taken from petitioners. In view of the above, the other Writ Petitions are also disposed of on the same lines. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(S.V.BHATT, J)

25th June 2018

NOTE: Issue CC by one week
B/O
RRB