

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION NO.21156 OF 2018

ORDER:

The petitioners challenge resumption order R.C.B.No.234/2017 dated 22.03.2017 passed by the fourth respondent as illegal, violative of principles of natural justice and unconstitutional.

The petitioners are all assignees of Ac.0.02 cents of plot by respondent No.4. The fourth respondent, by referring to alleged breach of assignment conditions, ordered resumption through the impugned orders. The grounds of challenge are that the fourth respondent did not follow procedure in the enquiry allegedly conducted in this behalf and order of resumption is not personally served on the petitioners till steps are taken to dispossess the petitioners. Hence, the Writ Petition.

The Assistant Government Pleader submits that the petitioners can file appeal against the orders of resumption; the appellate authority would certainly look into legal and factual objections and pass orders in accordance with law.

Keeping in view the availability of statutory remedy of appeal, this Court is not inclined to admit the Writ Petition but grant liberty to petitioners to file an appeal against the resumption orders before the Sub-Collector, Vijayawada-third respondent within four (4) weeks from today. The third respondent entertains the appeal and disposes of the appeal,

as expeditiously as possible, preferably within four (4) months from the date of filing of the appeal. The parties are directed to maintain *status quo* as regards possession and physical features of the subject matter of appeal till the appeal is disposed of and order copy communicated to petitioners.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(S.V.BHATT, J)

25th June 2018
RRB

