

THE HON'BLE SRI JUSTICE S.V.BHATT

W.P. Nos.21391 & 17018 of 2018

COMMON ORDER:

Since the subject matter of both the writ petitions is one and the same, both are heard together and disposed of by this common order.

Heard Ms.Anula for petitioners and the learned Assistant Government Pleader for Revenue.

The petitioners challenge proceedings No.B/491/2017, dated 30.01.2018 where under the Revenue Divisional Officer/3rd respondent cancelled the assignment of house plots made in favour of petitioners and directed resumption. One of the objections of petitioners is that the said proceedings show that the petitioners have not submitted their reply. In support of the assertion that the petitioners have filed explanation, the counsel for petitioners draws the attention of the Court to explanation submitted by one Goli Siddamma/2nd petitioner in W.P.No.17018 of 2018 on 01.04.2017 bearing the seal of receipt department in the office of Revenue Divisional Officer/3rd respondent. Therefore, according to petitioners, the order is illegal and suffers from non-consideration of reply given by petitioners.

The Assistant Government Pleader by referring to record firstly contends that notices are served to all the petitioners and a few of the petitioners filed replies. It is a matter of verification whether the petitioners come within the few or not. According to him, under the Andhra Pradesh (Telangana Area) Land Revenue Act, 1317 Fasli, appeal lies under Section 158 to the District Collector. The District Collector can examine the grievances of the petitioners vis-à-vis, the orders impugned in the writ petition and to the interested persons, if a request is made, subject to their eligibility can consider allotting 2BHK as well. After perusing the order impugned in the writ petition, *prima facie*, this Court is of the view that petitioners can be relegated to the remedy of appeal before the District Collector.

The writ petition is disposed of by this order:

- (a) The petitioners are given liberty to file appeal within two (02) weeks from today.
- (b) The District Collector/2nd respondent considers passing appropriate orders in the appeal or/and on the request of a few petitioners for allotment of 2BHK subject to their eligibility within four (04) weeks from the date of passing of the order.
- (c) The parties are directed to maintain *status quo* as on today for a period of six (06) weeks. No order as to costs.

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

S. V. BHATT, J

Dt: 27.06.2018

Note:

CC in two days

(B/o) dv

