

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.22395 of 2018

ORDER:

Heard Ms.N.Anula for petitioner and the learned 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 action of the 2nd respondent for seizure of the borewell of the petitioner without issuing the Form-7 Offence Report Under Rule 25 of the WALTA Act is illegal, arbitrary, violative of fundamental rights and principles of natural justice and consequently direct the 2nd respondent to restore the borewell of the petitioner situated in Sy.No.15 of Tangedapalli Village, Choutuppal Mandal Nalgonda, Nalgonda District (now Yadadri Bhuvanagiri District ...”.

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 along with interlocutory application within

one week from today by enclosing a copy of this order.

(b) The appellate authority considers and passes appropriate orders on the interlocutory application, as expeditiously as possible, preferably within four weeks thereafter.

(c) The order impugned in the writ petition is suspended pending disposal of interlocutory application.

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

No order as to costs.

Dt: 02-07-2018

Note:

Issue C.C. in two days

(B/o)

Prv



S. V. BHATT, J

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Prv