

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.19562 OF 2017

ORDER:

This writ petition is disposed of with the consent of the learned Government Pleader, without going into merits of the case.

This writ petition is filed challenging the proceedings of the second respondent, dated 17.02.2017 confirming the order of the third respondent, dated 10.01.2016 rejecting the request of the petitioner for exemption of Acs.0.35 cents of residential land situated in Survey No.7 of Lingayapalem Village, Tullur Mandal, Guntur District, from the Land Pooling Scheme, dated 09.01.2015.

Learned counsel for the petitioner submits that pursuant to the Land Pooling Scheme, the petitioner filed his objections in the prescribed proforma on 09.05.2016, but the said objections were not independently considered and the third respondent passed an order on 10.01.2016 along with other objection. This Court noticed that the objections were filed after passing of the order by the third respondent. However, when the petitioner preferred an Appeal to the second respondent, the second respondent merely relied on the order of the third respondent without applying his mind to the facts of the case. He further submits that a perusal of the order of the third respondent, dated 10.01.2016, shows that exemptions were granted in respect of the persons standing at Sl.Nos.4, 6 and 15, whereas similar treatment was not given to the petitioner, who is standing on a better footing.

Since the second respondent has not considered the objections of the petitioner independently, the order of the second respondent, dated 17.02.2017, is set aside, and the matter is remanded to the second respondent for consideration of the case of the petitioner independently without being influenced by the order of the third respondent and also

considering the case of the petitioner for similar treatment as that of the persons standing at Sl.Nos.4, 6 and 15 of the order of the third respondent, dated 10.01.2016. The petitioner shall be given an opportunity of personal hearing since the valuable land of the petitioner is involved. The petitioner could not file the objections within time and the petitioner is not willing to surrender the land under Land Pooling Scheme. The entire exercise shall be completed within a period of three months from the date of receipt of a copy of this order. It is made clear that till such time, no coercive steps shall be taken by the respondents as against the land of the petitioner.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any pending, in the writ petition shall stand closed.

24.04.2018
pln



A.RAMALINGESWARA RAO, J