

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.26783 of 2018

ORDER:

Heard Ms.Monika holding for Mr.P.Subash for petitioners and the learned Assistant Government Pleader (Assignment).

The petitioners pray for the following relief:

“.....Writ of Mandamus declaring the action of the 3rd respondent and his men in attempting to evict the petitioners from the land in an extent of Ac.0-65 cents in Sy.No.1074-5, Ac.0-87 cents in Sy.No.1074-7, Ac.0-40 cents in Sy.No.1045-3 and Ac.0-42 cents in Sy.No.1074-6, situated at Doddipalli Village, Piler Mandal, Chittoor District, contrary to the provisions of Board Standing Orders and Assignment laws and is arbitrary, illegal, unjust, colourable exercise of power, contrary to law, in violation of Articles 14, 21 & 300-A of Constitution of India.....”

One of the objections of the writ petitioners is that the respondents without issuing notice to petitioners under any enactment are forcibly dispossessing the petitioners from the subject land. Hence, the writ petition.

The Assistant Government Pleader places on record, the resumption order dated 21.03.2018 and contends that petitioners have to challenge the legality or otherwise of the proceedings dated 21.03.2018 and unless the challenge is laid against the proceedings dated 21.03.2018, the petitioners are not entitled for any relief. It is further contended by the Assistant Government Pleader that the petitioners have statutory remedy of appeal under the A.P.Rights in Land and

Pattadar Passbooks Act, 1971 before the Revenue Divisional Officer, Madanapalle and the circumstances do not warrant entertaining the writ prayer against the proceedings dated 21.03.2018.

I have perused the record and noted the submissions of learned counsel appearing for the parties.

It is one of the foremost objections of petitioners that they are not put on notice in any proceedings by 3rd respondent. The submission is for the present probablised by the very proceedings relied on by the 3rd respondent. Therefore, it is a matter for consideration of record by the appellate authority. Statutory appeal is a substantive right, hence the Court disposes of the writ petition by this order:

- (a) Petitioners are given liberty to file appeal before the appellate authority by enclosing a copy of this order within four (04) weeks from today.
- (b) The appellate authority/Sub-Collector Madanapalle considers disposing of appeal after summoning the record from Tahsildar, Piler in Roc.A/673/2017, 672/2017 and 674/2017, as expeditiously as possible preferably within four (04) months from the date of filing of the appeal.
- (c) The parties are directed to maintain *status quo* as regards possession and physical features of subject matter of the

appeal till the disposal of the appeal and
communication of order to petitioners.
No order as to costs.

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

Date: 03.08.2018
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S. V. BHATT, J

