

THE HON'BLE SRI JUSTICE S.V.BHATT

W.P. No.27893 of 2018

ORDER:

Heard Mr.C.Prakash for petitioner and the learned Assistant Government Pleader for Assignment.

The petitioner challenges the order dated 12.07.2018 of 2nd respondent. Through the order impugned, the 2nd respondent in exercise of power under Board Standing Order 15, para 10 (1) directed cancellation of D-Form patta and further resumption of land.

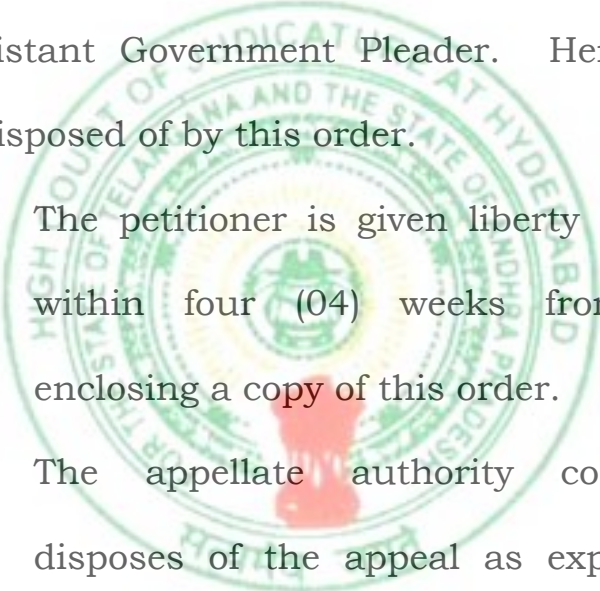
One of the grounds raised against the order impugned in the writ petition is that the ground now stated in the show cause notice or the order impugned is unavailable after the lapse of 2 decades from the date of assignment.

It is further contended that there are eucalyptus trees and the respondents if are allowed to give effect to the order impugned in the writ petition, the petitioner will suffer irreparable hardship and injury.

The Assistant Government Pleader opposes the writ prayer by contending that the effective remedy of appeal before the Chief Commissioner of Land Administration A.P., Vijayawada ought to have been invoked instead of filing writ petition.

According to Assistant Government Pleader, the appellate authority has both jurisdiction and sufficient discretion to examine the details contemporaneously when the assignment was made and orders as are deemed fit could be passed. On the existence of standing crop, the Assistant Government Pleader submits that the petitioner since raised the crop, the preservation of the property and the crop raised by the petitioner would be appropriate.

This Court is in agreement with the objections raised by the Assistant Government Pleader. Hence, the writ petition is disposed of by this order.

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- (a) The petitioner is given liberty to file appeal within four (04) weeks from today by enclosing a copy of this order.
 - (b) The appellate authority considers and disposes of the appeal as expeditiously as possible preferably within six (06) months from the date of filing of appeal.
 - (c) To meet the ends of justice, keeping in view the date of assignment and the crop raised by the petitioner, the order dated 12.07.2018 is suspended pending appeal. No order as to costs.

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

S. V. BHATT, J

Date: 08.08.2018
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