

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.16724 OF 2019

Date: 07.08.2019

Between:

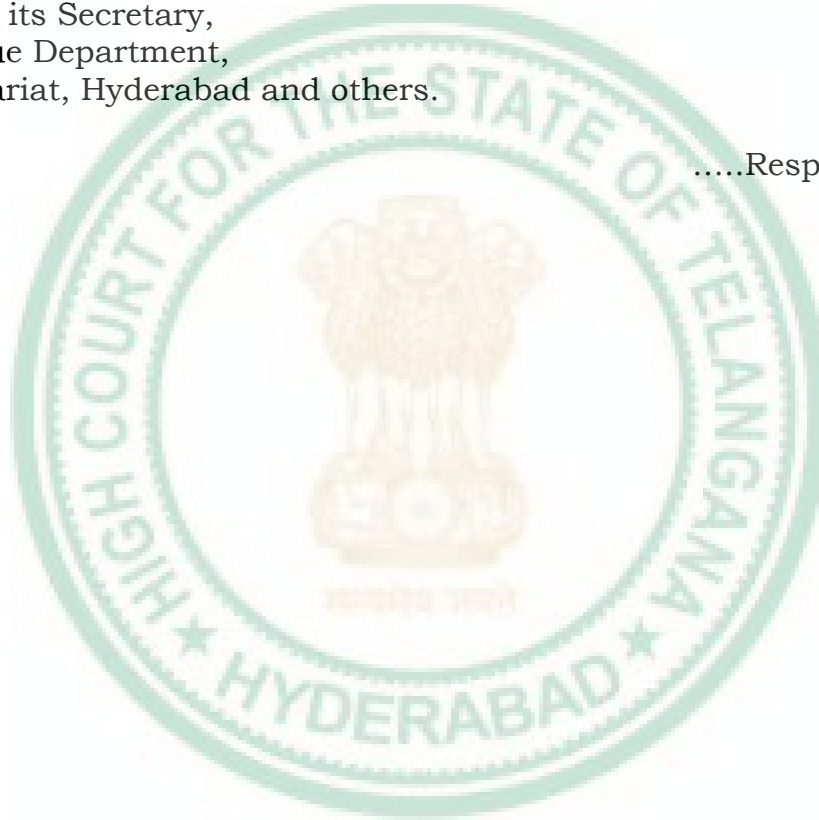
Konati Susiela,
W/o. Balaiha, Aged 60 yrs,
R/o.Makanapalli Village, Momenpet Mandal,
Vikarabad Mandal, R.R.District.

.....Petitioner

And

The State of Telangana,
rep. by its Secretary,
Revenue Department,
Secretariat, Hyderabad and others.

.....Respondents



The Court made the following:

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION NO.16724 OF 2019****ORDER:**

Heard learned counsel for petitioner and learned Government Pleader for Revenue for respondents 1 to 5.

2. By order dated 13.08.2018, the Tahsildar, Mominpet Mandal, Vikarabad District, by exercising powers under Section 4 of A.P.Assigned Lands (Prohibition of Transfer) Act, 1977 (for short 'the Act, 1977') cancelled the assignment granted and resumed the land to an extent of Ac.1-00 guntas in Sy.No.54/lu, Mekavanpally Village, Mominpet Mandal, holding that petitioner violated the conditions of assignment by selling land to another person. Against the decision of Tahsildar, resuming land under Section 4 of the Act, 1977, remedy of appeal is provided under Section 4 (A) of the Act, 1977.

3. A reading of the order impugned would show that notice was issued to the petitioner and she filed explanation. Therefore, remedy for the petitioner, if she is aggrieved, is to prefer appeal.

4. According to learned counsel for petitioner, petitioner did not participate in the proceedings before the Tahsildar as no notice was served and the order dated 13.08.2018 is also not served on petitioner.

5. If that is so, petitioner still has sufficient time to go in appeal and satisfy the appellate authority that the orders were not served and that the orders are passed *ex parte* and seek his indulgence to consider the appeal. It is also open for him to seek orders in interlocutory application before the competent authority.

6. Without availing the remedy of appeal petitioner submitted representation to the District Collector on 20.07.2019, terming the same as appeal and immediately thereafter filed this writ petition. The appeal is maintainable only before the Revenue Divisional Officer in prescribed form. Therefore, the representation dated 20.07.2019 is not valid avilment of remedy of appeal under the Act, 1977.

7. Hence, granting liberty to the petitioner to avail the remedy of appeal and also seek appropriate interlocutory orders, pending consideration of appeal, the Writ Petition is dismissed. Pending miscellaneous petitions shall stand closed.

P.NAVEEN RAO, J

7th August, 2019
Rds

