HIGH COURT OF ANDHRA PRADESH: AMARAVATI

CHIEF JUSTICE J.K. MAHESHWARI

WRIT PETITION No.11828 of 2020

(Taken up through video conferencing)

Tirupathipati Satyanarayana,
S/o Tirupathipati Veera Venkanna,
Aged 68 years, Occ: Agriculture,
R/o 4-177, Tirupatipati Street,
Narayanapuram, Unguturu Mandal,
West Godavari District.

.. Petitioner

Versus

State of Andhra Pradesh rep. by its
Principal Secretary,Revenue Department,
A.P. Secretariat, Velagapudi, Guntur District,
and three others.

.. Respondents

Counsel for the petitioner : Sri. M.V.Subba Reddy

Counsel for the respondents : Government Pleader for Revenue

ORAL ORDER

Dt: 21.07.2020

Sri M.V.Subba Reddy, learned counsel for the petitioner.

Learned Government Pleader for Revenue for the respondents.

Aggrieved by the order dated 13.01.2020 passed by respondent No.3-Tahsildar, Unguturu Mandal, ordering resumption of the subject land to the Government, this writ petition has been filed *interalia* stating that no notice

has been issued to the petitioner and no opportunity of hearing has been provided to him before passing the said order, despite the fact that he is continuing in possession of the subject land by virtue of the assignment granted in favour of his late father, and the same is in violation of principles of natural justice.

After hearing the learned counsel for the petitioners as well as the learned Government Pleader for Revenue and looking to the fact that against the order impugned, a remedy of appeal is available to the petitioner, however, this Court is of the considered opinion that the petitioner may avail such remedy. Since the plea of non-issuance of notice and not following the principles of natural justice has been raised, the question of limitation may not be raised by the appellate authority.

In view of the above, the writ petition is disposed of directing that on filing of appeal by the petitioner, along with application for stay, before the appellate authority within fifteen (15) days from today, the appellate authority shall entertain the same without raising objection as to limitation. It is further directed that on filing of the appeal and the application for stay within the aforesaid time limit, the appellate authority shall consider and decide the same on merits as per law. Until passing of the order on the application for stay, *status quo* as it exists today shall be maintained.

As a sequel, all the pending miscellaneous applications shall stand closed. No order as to costs.

J.K. MAHESHWARI, CJ

CHIEF JUSTICE J.K. MAHESHWARI

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