

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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WP No. 41142 of 2014

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Date of Judgment: 19.1.2015

Between:

Balabadruni Satyanarayana

...Petitioner

And

The State of Andhra Pradesh and others

..Respondents

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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WP No. 41142 of 2014

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ORDER:

Heard learned counsel for the parties.

The petitioner states that he is the owner and possessor of land admeasuring Ac.3.08 cents in Sy.No. 143/1 situated at Gonthuvanipalem village, Addateegala Mandal, East Godavari district. He claims title to the said land under a registered sale deed dated 9.4.1936. The petitioner states the 5th respondent initiated proceedings

in LTRP No. 23 of 2011 against the respondents 6 and 7 for the very same land and the 3rd respondent passed an order of eviction on 26.4.2013. The petitioner states that the respondents 6 and 7 are in no way concerned with the said land and the petitioner is the actual owner and possessor of the said land and he was not impleaded in the said proceedings. However, on coming to know of the said eviction order, the petitioner an appeal before the second respondent on 17.12.2014 along with an application for stay of eviction, which are pending. The petitioner states that the 4th respondent published a notice dated 8.12.2014 in the village that the possession of the aforesaid land shall be taken over. Hence apprehending dispossession, the present writ petition is filed.

Since the appeal of the petitioner is pending before the second respondent for almost a month, it is appropriate that the appellate authority considers the petitioner's appeal or the stay application and pass appropriate orders thereon. In view of that, this writ petition is disposed of directing the second respondent to consider the petitioner's appeal or stay application and pass appropriate orders thereon expeditiously and in any case within four weeks from the date of receipt of a copy of this order. Till passing of such order, the order of

eviction passed by the third respondent shall not be enforced against the petitioner.

Miscellaneous applications, if any, shall stand closed. No order as to costs.

VILAS V. AFZULPURKAR, J

Dt. 19.1.2015
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