

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.42361 OF 2015

ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for Revenue.

The petitioners suffer from the order under Section 6 of the A.P. Land Encroachment Act passed by the 4th respondent-Tahsildar, Nalgonda in proceedings No.B/13756/2012, dated 22.08.2015. Prior to that the petitioners approached this Court in W.P.No.25696 of 2015, which was disposed of on 14.08.2015 directing the Tahsildar to consider objections to be filed by the petitioners and till passing of appropriate orders, the demolition or dispossession against the petitioners' property was stayed.

As stated above, thereafter, the 4th respondent-Tahsildar passed an order under Section 6 of the Act dated 22.08.2015. That was questioned by the petitioners in appeal before the Joint Collector, along with a stay petition, on 31.08.2015. The petitioners also stated in para 6 of the affidavit that the learned Joint Collector is presently on training to Colombo, Srilanka and will not be available till 10.01.2016 and that the in-charge officer is looking after the office of the 2nd respondent. The present writ petition is filed, aggrieved by the action of the respondents 4 and 5 to demolish the structures and dispossess the petitioners. It is stated that on 25.12.2015, the said officers came to the site and as the police force was not available, they returned threatening the petitioners that they would come back again to take appropriate action. On the apprehension of dispossession and demolition, the petitioners have filed this writ petition.

It is no doubt stated that the Joint Collector is stated to be on leave for training. The petitioners filed an appeal on 31.08.2015 along with the stay petition before the 2nd respondent and that had to be perused. The appeal No.F2/7753/2015 along with the stay petition is

now pending before the 2nd respondent and since then the in-charge officer holding charge of the 2nd respondent, it is appropriate to direct the officer holding the post of the 2nd respondent to fix an early date for hearing within a week from the date of receipt of a copy of this order and thereafter dispose of the appeal or stay petition of the petitioner by an appropriate order.

With the above direction, the writ petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in the writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

29.12.2015

Note: issue c.c. by tomorrow

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DATE: 29.12.2015

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