

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

MONDAY, THE FIRST DAY OF JUNE
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.14006 OF 2015

BETWEEN

Kotagiri Manmadha Rao and another

... PETITIONERS

AND

State of Andhra Pradesh, rep. by its District Collector and others

...RESPONDENTS

The Court made the following:

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ORDER:

Heard.

2. Petitioner suffered an order of eviction under Section 7 of the A.P.Land Encroachment Act, 2005 vide orders of respondent No.3 Tahsildar dated 07.04.2015. Aggrieved by that order, petitioners preferred an appeal under Section 10 of the Act before respondent No.2, which is stated to be pending along with the stay petition from 22.04.2015. Petitioners state that in spite of request, no orders were passed on the stay petition and pending the said appeal, if the petitioners are dispossessed the very purpose of appeal would be frustrated. Hence, the present writ petition.

3. It is evident that against the order of eviction, petitioners preferred the aforesaid appeal and it is true that the appeal would become infructuous if the petitioners are evicted pending the appeal. Hence, in my view, it is appropriate to direct status quo existing as on today to be maintained and at the same time direct respondent No.2 to hear and decide the appeal pending before it, as aforesaid, expeditiously preferably within two months from the date of receipt of a copy of the order.

With the above directions, writ petition is disposed of.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

June 1, 2015

Lmv