

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA
PRADESH

* * *

WRIT PETITION No. 23173 of 2015

BETWEEN

Kalva Devaiah

... PETITIONER

AND

The State of Telangana, rep.by its Principal Secretary and others

...RESPONDENTS

Date of Order pronounced: 27.07.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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| 1. Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be marked to Law Reporters/Journals? | Yes/No |
| 3. Whether his Lordship wish to see the fair copy of the Judgment? | Yes/No |

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ORDER:-

Heard.

2. Aggrieved by an order passed under Section 6 of the Land Encroachment Act, 1905 (for brevity, "the Act"), against the petitioner by the Tahsildar vide proceedings in Rc.No.B/6825/2011 dated 20.06.2015, petitioner has preferred an appeal before the first respondent, District Collector, on 20.06.2015 along with an application for stay. The grievance of the petitioner in this writ petition is that neither the said appeal nor the stay petition is heard so far and there is a serious threat of dispossession to the petitioner by virtue of the impugned order.

3. Learned counsel for the petitioner states that at the stage of notice under Section 7 of the Act, this court had already passed an order in W.P.No.18408 of 2015 dated 23.06.2015 directing that the petitioner shall not be dispossessed unless appropriate order is passed in pursuance of notice under Section 7 of the Act. Thereafter order under Section 6 is passed and though the petitioner filed appeal immediately neither appeal nor the stay petition is taken up by the first respondent.

4. In the circumstances, the first respondent is directed to fix an early date and hear and dispose of at least the stay petition filed by the petitioner along with the appeal, referred to above, within a week from the date of receipt of a copy of this order.

With the above direction, 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

July 27, 2015

Note: Furnish copy by 28.07.2015.

{B/o}

LMV