

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.490 OF 2015

ORDER:

As against the notice issued under Section 7 of the Andhra Pradesh Land Encroachment Act, 1905 (in short "the Act") the petitioner submitted his explanation on 14.06.2013 raising various contentions. Thereafter, on 18.06.2013 an order has been passed under Section 6 of the Act without dealing with the objections submitted by the petitioner.

On the other hand the learned Assistant Government Pleader for Revenue (A.P.) submits that the appeal is provided to the Joint Collector. In that view of the matter the petitioner may be directed to avail the appeal provision.

Suffice it to say that there is some force in the contention of the learned counsel for the petitioner that the order dated 18.06.2013 does not refer to any of the contentions raised by the petitioner. The availing of the alternative remedy of the appeal would be meaningful only when the reasons are set out why the contention raised by the petitioner is not acceptable. However, considering the fact that the Writ Petition came to be filed in the year 2015, I am not inclined to go into the details with respect to the validity or otherwise of the order dated 18.06.2013. In the facts and circumstances of the case, the interest of justice would be served if the petitioner is directed to avail the alternative remedy and the appeal shall be considered within a period of six months. Accordingly, the petitioner shall file the appeal within four weeks from the date of receipt of the copy of this order, and the same shall be disposed of within a period of six months from the

date of filing of the appeal. Till such time, as the appeal filed by the petitioner is disposed, the petitioner shall not be dispossessed with from the property in issue.

Accordingly, the Writ Petition is disposed of. Consequently, the miscellaneous petitions pending, if any, shall stand closed.

CHALLA KODANDA RAM, J

Dated:16.02.2015.
Ssv