

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.4037 OF 2015

ORDER:

Petitioners are aggrieved with the order bearing Rc.No.575/2014-A, dated 06.02.2015 passed under Section 6 of the A.P. Land Encroachment Act, 1905 (in short "the Act").

It is the submission of the petitioners that the respondent No.4 had passed orders on the same day when the petitioners had submitted their explanations and in that process the respondent No.4 has not applied his mind and he has not observed any of the contentions raised by the petitioners.

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue (A.P.).

I cannot find fault with the respondent No.4 for passing orders on 06.02.2015. Unlike in many of the matters which come before this Court where a standardised Form VIA is being filed in a routine way, in the present case reasoned and speaking order has been passed by the respondent No.4 on 06.02.2015. In that view of the matter, the order passed by the respondent No.4 cannot be said to be an order passed without application of mind.

Considering the fact that an appeal lies under Section 10 of the Act to the District Collector, the Writ Petition is disposed of giving liberty to the petitioners to avail alternative remedy of appeal. Till such time appeal is disposed of status quo shall be maintained with respect to the possession of the property. It is also made clear the observations made in the present order cannot be considered as opinion with respect to the validity or

otherwise of the order on merits and the appellate authority shall consider the case on its own merits. There shall be no order as to costs.

Miscellaneous Petitions pending, if any, shall stand closed.

CHALLA KODANDA RAM, J

Dated:23.02.2015.
Ssv