

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

MONDAY, THE EIGHTH DAY OF JUNE

TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.16031 of 2015

BETWEEN

Sri Velamuri Rama Krishna Reddy.

... PETITIONER

AND

The State of Andhra Pradesh, Rep. by its Principal Secretary, Revenue, Secretariat, Hyderabad and two others.

...RESPONDENTS

The Court made the following:

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ORDER:

Petitioner, who was found to be in possession of Government cart track land in Sy.No.476/1 of Narasaraopet Revenue Village, was given a notice under Section 7 of the Land Encroachment Act (for short 'the Act') dated 19.02.2015. Petitioner has submitted his reply and after considering the same, respondent No.3 has passed final order dated 03.06.2015 under Section 6 of the Act directing vacation of the petitioner. The said order is questioned in this writ petition.

2. Learned counsel for the petitioner fairly submits that said order is clearly appealable but in view of three days time for vacation granted in the said notice, the petitioner was constrained to approach this court. Learned counsel also points out that there is a Government Welfare Hostel located in one of the properties and eviction would cause hardship.

3. Since the order is appealable, bypassing the said efficacious alternative remedy it is not appropriate to entertain the writ petition, as no other circumstance exists to entertain the writ petition.

The writ petition is, therefore, disposed of giving liberty to the petitioner to avail the appellate remedy and seek appropriate relief either interim or final from the appellate authority. In order to grant breathing time to the petitioner to move the appellate authority and obtain an order, the impugned order of vacation passed by the Tahsildar shall remain stayed till 19.06.2015 within which time the petitioner shall avail the remedy, as directed above. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

June 8, 2015

Furnish C.C. today.

(B/o) DSK