

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 3810 of 2015

ORDER:

The writ petitioner questions the inaction of the 3rd respondent in disposing the appeal filed by him or at least the stay application filed along with the appeal seeking stay of eviction proceedings initiated under Section 6 of the A.P. Land Encroachment Act, 1905 (for short, 'the Act').

2. The averments of the petitioner are to the effect that he is in lawful possession and enjoyment of lands in Survey Nos.4/2, 5/2 and 69/2 of Venkatapuram village and mandal, Khammam district, by way of orders of the Settlement Officer way back in 1975. Earlier, when the respondent authorities tried to interfere with his possession, he approached this Court by filing W.P.No.4012 of 2004 and W.P.No.12024 of 2012 wherein this Court granted interim orders in his favour. While so, the 4th respondent-Tahsildar issued a notice to him under Section 7 of the Act on 30.01.2015, to which he submitted his explanation. Even then the 4th respondent issued a notice under Section 6 of the Act directing him to vacate the lands. Stating that the orders passed by this Court in W.P.No.12024 of 2012 are subsisting and hence the notices issued under Sections 7 and 6 of the Act are bad in law, he preferred an appeal before the 3rd respondent-Revenue Divisional Officer; and along with the appeal, he filed a stay petition seeking stay of eviction proceedings. His grievance is that neither the appeal nor the stay application is disposed of till this day.

3. Heard the petitioner's counsel, the learned Government Pleader and perused the record.

4. Inasmuch as the petitioner has interim orders in his favour in W.P.No.12024 of 2012 which are subsisting as on the date of issuing notices under Sections 7 and 6 of the Act, and considering that the

appeal as well as the stay application are pending before the 3rd respondent, this Court is of the view that this writ petition can be disposed of directing the 3rd respondent to dispose of the stay application, and preferably the appeal itself as expeditiously as possible. Till such time the stay application is disposed of by the 3rd respondent, there shall be stay of impugned eviction proceedings against the petitioner.

5. With the above observations, the writ petition is disposed of. No costs.

Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

CHALLA KODANDA RAM, J

23rd February, 2015

ksm