

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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WRIT PETITION No. 10220 of 2015

ORDER:

The petitioner challenges the order dated 07.03.2015 passed by the 3rd respondent-Tahsildar, under Section 6 of the A.P. Land Encroachment Act, 1905 (for short, 'the Act').

2. Heard learned counsel for the petitioner and the learned Government Pleader.

3. Considering the fact that a reasoned and detailed order has been passed by the Tahsildar, and considering the fact that there is an effective alternative remedy available to the petitioner under Section 10 of the Act, I am not inclined to admit the writ petition. However, as held by this Court in W.P.No.2300 of 2015, if any precipitate action, even before expiry of the time for preferring an appeal, is taken and the impugned orders are implemented, the very provision of appeal becomes otiose; and hence, it would be in the fitness of things to suspend the impugned order and relegate the petitioner to the remedy of appeal.

4. In that view of the matter, the petitioner is given liberty to approach the appellate authority by way of filing an appeal, within a period of two weeks from the date of receipt of a copy of this order, along with an application seeking stay of the impugned order. On such filing of an appeal along with a stay application, the appellate authority shall pass appropriate orders either in the stay application or preferably the appeal itself, as expeditiously as possible, preferably within a period of three months from the date of filing of appeal. Till such time appropriate orders are passed, in accordance with law, either in the stay application or the appeal, whichever is earlier, the impugned order stands suspended.

5. Accordingly, the writ petition is disposed of. No order as to costs. Miscellaneous

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

CHALLA KODANDA RAM, J

10th April, 2015

KSM