

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 39723 of 2016

ORDER:

- 1) Heard learned counsel for the petitioner and Government Pleader for Revenue. With the consent of both the parties, the writ petition being heard at the admission stage itself.
- 2) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the second respondent in not considering the stay application filed along with Appeal No.2 of 2016 challenging the order under Land Encroachment Act, 1905, as illegal, arbitrary and violative of principles of natural justice; and consequently direct the second respondent to dispose of the said stay application.
- 3) The grievance of the petitioner is that though he filed stay application on 04.10.2016 along with the appeal, till date no orders are passed and under the guise of the order under challenge the authorities are trying to dispossess the petitioner.
- 4) Government Pleader for Revenue submits that a direction may be given to the second respondent to pass orders on the stay application filed by the petitioner, in accordance with law.
- 5) Without going into the merits of the case and having regard to the submissions made, the present writ petition is disposed of, directing the second respondent to pass orders on the stay application filed along with Appeal No.2 of 2016, in accordance with law, if it is in order, within six (06) weeks from the date of

receipt of the order. Till such time, the petitioner shall not be dispossessed without following due process of law. There shall be no order as to costs.

6) Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

17.11.2016
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