

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.38431 of 2016

ORDER:

1) Heard learned counsel for the petitioners and Government Pleader for revenue. With consent of both the parties, the writ petition is taken up for disposal at the admission stage itself.

2) The present writ petition came to be filed questioning the action of the respondents in evicting the petitioners from the lands admeasuring Ac.1.00 in Sy.No.25-4, Ac.2.50 cents in Sy.No.25-1, Ac.2.50 cents in Sy.No.25-3 in total Ac.6.00 cents of Talupurupadu Village, Sangam Mandal, SPSR Nellore District, without following due process of law.

3) A perusal of the material on record would show that aggrieved by the impugned order, the petitioners filed an appeal before respondent No.2 to set aside the impugned order dated 23.04.2015 along with stay application and condone delay petition. It is to be noted that pending the appeal proceedings the petitioners filed W.P.No.7285 of 2016 before this Court, as respondent No.4 was trying to evict the petitioners from the lands. By an order dated 04.03.2016 this Court passed the following interim order:

“There shall be interim direction as prayed for till disposal of the appeal filed by the petitioners before the respondent No.2 challenging the order passed by respondent No.3.”

4) It is also to be noted that on 31.08.2016 respondent No.2 dismissed the appeal and directed the Tahsildar, Sangam to resume the land to government by evicting the encroachers from the above

mentioned land duly following the procedure laid down under Andhra Pradesh Land Encroachment Act, 1905. Aggrieved by the same, the petitioners preferred an appeal before the Commissioner of Land Revenue, Andhra Pradesh along with stay application. It is urged that though the appeal was filed on 09.10.2016 till date no orders are passed.

5) In view of the orders passed by this Court in W.P.No.7285 of 2016 and as the appeal is pending consideration before the Commissioner of Land Revenue, Andhra Pradesh since 09.10.2016, there shall be a interim suspension of the order dated 31.08.2016 passed by the Joint Collector, SPSR Nellore District, for a period of six (06) weeks from today. During which period, the petitioners shall pursue the application for stay filed along with the appeal before the Commissioner of Land Revenue Andhra Pradesh, in which event the authority shall pass orders in accordance with law, after hearing all concerned.

6) With the above direction, the writ petition is disposed of. There shall be no order as to costs.

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

JUSTICE C. PRAVEEN KUMAR

10.11.2016

Note: Issue C.C. in two days.

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