

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.11159 of 2016

ORDER:

The prayer of the petitioners in this case is as under:

“For the reasons stated in the accompanying affidavit, the petitioners pray that this Hon’ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of 2nd respondent in insisting the petitioners to vacate from their agricultural landed property admeasuring Ac. 4.72 cents in Survey Number 1469 situated at East Regulagunta Village, H/o. Buttayagudem Village and Mandal in West Godavari District as illegal, irregular, irrational, without jurisdiction and violative of articles 14 and 21 of Constitution of India and consequently direct the respondents not to dispossess the petitioners from the said land and pass such other orders or order as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

The order dated 06.12.2006 passed by this Court in W.P.No.19564 of 2006 required the Agent to the Government-cum-District Collector, West Godavari, Eluru, to dispose of the appeal filed by the petitioners within a time frame and till such disposal, the authorities were directed not to give effect to the order dated 18.05.2006 passed in S.R.No.15 of 2005. The grievance of the petitioners presently is that the authorities are seeking to act in violation of the afore-stated order. Needless to state, as long as the appeal filed by the petitioners is not disposed of, it is not open to the authorities to give effect to the order which is under appeal, as directed by this Court in W.P.No.19564 of 2006. The respondent authorities shall therefore be mindful of these aspects of the matter and proceed accordingly.

The writ petition is disposed of with the above directions.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

Date:06.04.2016

GJ