

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.34883 OF 2016

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue. With consent of the counsel appearing for both sides, the present writ petition is disposed of at the admission stage.

2. The present writ petition came to be filed with the following prayer:

“to issue a Writ, order or direction more particularly in the nature of Writ of *Mandamus* declaring the action of 3rd respondent in not passing order of suspension on the Interlocutory Application filed along with appeal filed on 26-07-2016 under Section 10 of Andhra Pradesh Land Encroachment Act, 1905 against the proceedings in RC.No.B/168/2016, dated 25.06.2016 and notice under Section 6 of the said statute issued by 4th respondent, pending on the file of 3rd respondent, and thereby insisting the petitioners to vacate from their respective landed properties in total admeasuring Ac.52.22 Kuntas covered by Survey No.265 situated in Akinepalli Revenue Village in Dammamet Mandal of Khammam District, as illegal, irregular, irrational, and amounts to non-discharge of legal obligation conferred on the 3rd respondent under the provisions of Andhra Pradesh Land Encroachment Act, 1905 and offends Article 14 of Constitution of India and consequently direct the 3rd respondent to decide the petitioners pending appeal and suspension petition therein, in accordance with law.”

3. As seen from the record, by an order dated 25.06.2016 the Tahsildar, Dammamet Mandal, directed the Mandal Revenue Inspector-I, Dammapeta Mandal Surveyor, Dammapeta, Village Revenue Officer, Akhinepalli, to evict the encroacher, who is the petitioner herein, from the lands in question and take over the lands into Government custody until

further orders and report compliance. Challenging the said order, the petitioner claims to have preferred the appeal.

4. It is the case of the petitioner that though she filed the appeal on 26.07.2016, till date the same is not numbered and no orders are passed in the Interlocutory Application filed along with the appeal. It is her case that if no orders are passed, there is every likelihood of authorities evicting the petitioner from the land in question.

5. Learned Government Pleader for Revenue opposed the petition, but however, submits that if the appeal preferred by the petitioner is in order, definitely the authorities would number the same and pass orders in accordance with law.

6. Having regard to the rival submissions made, the present Writ Petition is disposed of directing the 3rd respondent to number the appeal, if the same is in order, and if the appeal is found to be maintainable, the 3rd respondent shall pass appropriate orders in the main appeal, as early as possible. Having regard to the threat of eviction, the appellate authority shall pass orders in the stay application, if any, filed along with appeal within a period of four (04) weeks from the date of receipt of a copy of this order, in accordance with law.

Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

Date: 18.10.2016
INL