

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 41493 of 2015

ORDER:

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Heard learned counsel for the petitioner, standing counsel for respondent Nos.1 and 2 and Government Pleader for Revenue for respondent Nos.3 to 6.

The present writ petition came to be filed seeking issuance of a writ of mandamus declaring the action of respondent No.2 in trying to dispossess the petitioner from the land in plot bearing No.6 in Sy.No.96 of Nellore Bit-II by issuing Form-B Notice dated 23.11.2015, in spite of patta being granted in favour of the petitioner by respondent No.5 vide R.C.E.No.1.4703/74, dated 05.10.1974, as illegal and arbitrary.

A perusal of the material on record would show that as against the impugned order an appeal would lie under Section 9 of the Andhra Pradesh (Eviction of unauthorised occupants) Act, 1971 (for short "the Act"), which fact is not denied by the learned counsel for the petitioner. But however pleads that till such time the possession of land by the petitioner may be maintained. The same is opposed by the learned standing counsel appearing for respondent Nos.1 and 2.

Without going into the merits of the case and having

regard to the circumstances stated above, the writ petition is disposed of at the admission stage, directing the petitioner to file an appeal under Section 9 of the Act before the authorities concerned, in which event the same shall be dealt with in accordance with law. In view of the orders passed by this Court in W.P.No.4945 of 2005 dated 02.06.2005 and since the petitioner claims to be in possession of the land, the authorities shall not dispossess the petitioner for a period of three (03) weeks from today.

No order as to costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

06.01.2016
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