

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY
WRIT PETITION No.19201 OF 2016

ORDER:

The case of the petitioner is that petitioner filed appeal along with stay petition on 05.11.2009 before the 3rd respondent against the letter dt.07.10.2009 issued by the 2nd respondent under Section 248(1) of the Cantonment Act, 2006 (for short 'the Act') and pending appeal and stay petition before the 3rd respondent, the 2nd respondent is now trying to demolish the petitioner's property. Aggrieved by the same, the present Writ Petition is filed.

2. Heard learned counsel for the petitioner, Smt Anjali Agarwal, Standing Counsel for 1st respondent, and Sri K.R.Koteswar Rao, Standing Counsel for 2nd respondent.

3. Learned Counsel for the petitioner submits that there is threat of demolition by the 2nd respondent and that is the reason why the petitioner approached this Court.

4. On the other hand, learned Standing Counsel for 2nd respondent submits that there is automatic suspension of the proposed action under Section 342 of the Act until the appeal filed by the petitioner before the 3rd respondent is disposed of and a final notice is issued to the petitioner; and the petitioner has approached this Court only under apprehension. He also submits that until final notice is issued under the Act, no further action will be initiated as envisaged under Section 248(1) of the Act.

5. Since a statutory relief under Section 342 of the Act is available suspending action pending appeal, it is needless to mention that no further action shall be taken by the 2nd respondent until

disposal of appeal filed by the petitioner.

6. In view of the above, this Writ Petition is disposed of directing the 3rd respondent to dispose of the appeal filed by the petitioner against the letter dt.07.10.2009 of the 2nd respondent, in accordance with law. There shall be no order as to costs.

7. Consequently, miscellaneous petitions, if any, pending shall stand closed.

A. RAJASHEKER REDDY, J

20th June, 2016.

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