

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.43073 of 2016

ORDER:

Heard, learned counsel for the petitioners and learned Government Pleader for respondents.

The petitioners claimed that they are the absolute owners of the residential houses bearing door No.21-380 and 21-384, Gandhi Bazar, Ananthapuramu town. They have been residing in the said houses by paying taxes to the concerned authorities. When proceedings under Land Encroachment Act was taken, the petitioners earlier approached this Court by filing writ petition No.34422 of 2016 and this Court disposed of the said writ petition giving liberty to the petitioners to avail the remedy of appeal within four (4) weeks and the order and the notice, dated 29-09-2016 was suspended for a period of eight (8) weeks.

The petitioners stated that they preferred an appeal within the time granted by this Court on 24-10-2016 and along with the appeal they sought stay of operation of the order, dated 29-09-2016. It is their case that without granting any stay and without disposing of the appeal, action is being taken for their eviction.

The learned Government Pleader, on the basis of written instructions, submits that sixty-seven (67) persons occupied road portion and appropriate notices were issued under A.P. Land Encroachment Act, 1905. The evictions were also carried out in respect of other encroachments except in the case of the petitioners since an appeal is pending before the Revenue Divisional Officer, Ananthapuramu.

Since the grievance of the petitioners is that their appeal is not being disposed of and the stay application is also pending in the appeal, they apprehend that they would be evicted from the houses even during the pendency of the appeal before the 4th respondent.

In the circumstances, this writ petition is disposed of, directing the 4th respondent to consider the appeal preferred by the petitioners on 24-10-2016 within a period of eight (8) weeks from the date of receipt of a copy of this order and the petitioners shall not be evicted during the pendency of the appeal before the 4th respondent till an order is passed by him. There shall be no order as to costs. Miscellaneous petitions, if any, pending in the Writ Petition shall stand closed.

A. RAMALINGESWARA RAO, J

December 19, 2016

Pn

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