

THE HONOURABLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.16249 OF 2016

ORDER :

The petitioner challenges the proceedings in C.C.No.1302/KVL/75 dated 26.04.2016. The operative portion of the said proceedings reads as follows:

“Therefore, it is crystal clear that Vishnu Priya Estates and others no right are title over the Government land and it is in unauthorised occupation. Consequently the encroachers are liable to be evicted and should vacate the land within 48 hours from the date of receipt of this order, otherwise steps will be taken to evict the illegal occupants in accordance with law.

The Mandal Revenue Inspector-I, Kavali Mandal is hereby authorised to serve the notices U/s 6 of AP Land Encroachment Act on the encroachers and carry out the evictions and resume the land under reference to the Government.”

Learned counsel for the petitioner contends that the impugned proceedings is issued without following any procedure and therefore the petitioner is constrained to invoke the jurisdiction of this Court under Article 226 of the Constitution of India.

Learned Assistant Government Pleader, opposing the maintainability of the writ petition, contends that the objections now raised by the petitioner can certainly be gone into and considered by the appellate authority, if an appeal is presented challenging the impugned proceedings.

Prima facie, I am of the view that the petitioner has to avail the remedy of appeal before the Revenue Divisional Officer against the impugned proceedings for appropriate relief. The writ petition is disposed of by this order:

The possession of the petitioner is protected for a period of eight weeks from today. The petitioner is given liberty to file appeal within

four weeks from today. The petitioner is also further given liberty to obtain appropriate orders from the appellate authority in the meantime.

As a sequel, the miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

S.V.BHATT, J

12th May, 2016.
JSU/PNB

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Date: 12.05.2016