

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.35146 OF 2016

ORDER:

This Writ Petition is filed by the petitioner by invoking Article 226 of the Constitution of India seeking the following relief:

“.... to issue a Writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the 3rd Respondent herein in not passing any orders on the Appeal or on the stay petition preferred by the Petitioner herein on 06.04.2016 against the Order Dated: 18-03-2016 in Rc.DT/328/2015 passed by the 4th Respondent herein as illegal, arbitrary, irrational, violative of the provisions of the Land Encroachment Act besides being offensive of Articles 14, 21 and 300(A) of the Constitution of India and opposed to the Principles of Natural Justice and consequently suspend operation of the Order contained in Rc.No.DT/328/2015, Dated: 18-03-2016 issued by the 4th Respondent herein, pending disposal of the main Appeal pending before the 3rd Respondent herein, and pass such other orders or order as this Hon'ble court may deem fit and proper in the circumstances of the case.”

Heard the learned counsel for the petitioner and the learned Asst. Government Pleader for Revenue (AP). With their consent, the Writ Petition is disposed of at the stage of admission itself.

The grievance of the petitioner is that though he preferred an appeal before the 3rd respondent herein on 06.04.2016 against the order dated 18.03.2016 passed by the 4th respondents passed in Rc.DT/328/2015, till date neither the appeal is heard nor any orders are passed in the stay application. It is the submission of the petitioner that during pendency of said appeal, the

4th respondent visited the subject land and directed the petitioner to vacate the land, failing which he threatened to take over the possession forcibly.

Having considered the rival submissions made, the writ petition is disposed of directing the appellate authority i.e. the 3rd respondent-Revenue Divisional Officer, to entertain the appeal filed by the petitioner herein, if the same is in order, and dispose of the same by passing appropriate orders in accordance with law, after hearing the petitioner and other aggrieved persons, if any, within a period of eight weeks from the date of receipt of a copy of this order. However, if the appellate authority is not in a position to hear the appeal, he may take up the stay application and dispose of the same in accordance with law within a period of two weeks from the date of receipt of a copy of this order. Till disposal of the stay application, *status quo* as on today in respect of the subject land be maintained by the parties. There shall be no order as to costs.

Miscellaneous petitions pending in this writ petition, if any, shall stand closed.

C. PRAVEEN KUMAR, J

Date: 19.10.2016

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