

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 25055 of 2016

ORDER:

In this Writ Petition, the petitioner impugns the action of the respondents in trying to dispossess him from the house and site property admeasuring Ac.0.03 cents out of Ac.1.56 cents covered by Survey No. 741/1, China Tadinada Revenue Village, Kalidindi Mandal, Krishna District, pending disposal of the Appeal and the stay Application before the 2nd respondent Revenue Divisional Officer, Gudivada Division.

The case of the petitioner is that he is the absolute owner and possessor of Acs.3.75 cents covered by R.S.Nos. 738 and 739 of China Tadinada Revenue Village and excavated a fish tank therein more than 20 years ago. While so, the 3rd respondent Tahsildar, Kalidindi Mandal issued the notice dated 11.09.2015 under Section 7 of the Andhra Pradesh Land Encroachment Act, 1905 alleging that the petitioner has encroached an extent of Ac.0.03 cents out of Ac.1.56 cents in survey No. 741/1, which was classified as '*Kommileru Major Drain*', for which, he submitted the explanation on 23.09.2015. But however, without conducting any inquiry and without considering the explanation submitted by the petitioner, the impugned notice dated 22.01.2016 has been issued, under Section 6 of the 1905 Act. Calling in question the said notice, the petitioner preferred an Appeal to the 2nd respondent Revenue Divisional Officer, Gudivada, along with an Application for stay. It is now alleged that pending consideration of the said Appeal, the 3rd respondent is trying to evict the petitioner from the subject land.

Heard learned counsel for the petitioner as well as learned Government Pleader for Revenue (Andhra Pradesh).

Inasmuch as the petitioner has already filed the Appeal before the 2nd respondent, without going into the merits of the matter any

further, it would be expedient in the interests of justice to direct the latter, to consider and dispose of the said Appeal within a fixed time-frame.

The 2nd respondent Revenue Divisional Officer is therefore, directed to consider and dispose of the Appeal within eight weeks from the date of receipt of a copy of this order. Till then, it is made clear that the petitioner shall not be dispossessed from the subject land.

With this, the Writ Petition stands disposed of. No costs.

Consequently, the Miscellaneous Applications, if any shall also stand disposed of.

CHALLA KODANDA RAM, J.

08th August 2016

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