

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.37288 of 2016

ORDER:

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Revenue. With the consent of counsel appearing for both sides, the present Writ Petition is disposed of at the stage of admission.

2. Since this Court is not going into the merits of the case, issuing notice to respondent No.5 may not be necessary.

3. This Writ Petition, under Article 226 of the Constitution of India, is filed seeking the following relief:

“to issue an appropriate writ, order or direction, more particularly one in the nature of writ of Mandamus, declaring the impugned order bearing procs.D.dis.E5/3141/2015 dt.7.10.2016 issued by the 2nd respondent canceling the D-Form patta issued to the petitioner in respect of the land in Sy.No.478-1 admeasuring Ac.5.00 situated at Yerukollu Village, Duttalur Mandal, SPSR Nellore District, without conducting any sort of enquiry and simply relying on the report of respondent Nos.3 and 4 and during the pendency of the suit O.S.No.1 of 2015 on the file of the Senior Civil Judge, Kavali and subsistence of the injunction orders in I.A.No.18/2015 dt.20.1.2015, as being illegal, arbitrary.”

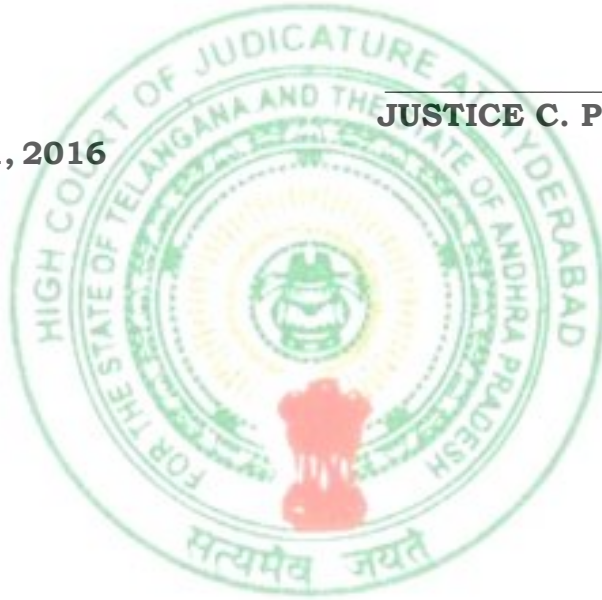
4. At the time when the matter is taken up for hearing, it is brought to the notice of this court by learned Assistant Government Pleader for Revenue that an appeal would lie to the Chief Commissioner of Land Administration (CCLA) against the impugned proceedings issued by the 2nd respondent. The said fact is not disputed by learned counsel for the petitioner.

5. Having regard to the facts and circumstances of the case and also the submissions made by both the counsel, the Writ Petition is

disposed of directing the petitioner to file an appeal before the Chief Commissioner of Land Administration against the impugned proceedings, dated 07.10.2016, issued by the 2nd respondent, within a period of one week from today along with an interim stay application, in which event the said authority shall pass appropriate orders on the interim application within a period of six (6) weeks thereafter. Till such time, *status quo* obtaining as on today with regard to possession shall be maintained. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

NOVEMBER 01, 2016
YVL

JUSTICE C. PRAVEEN KUMAR



THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR



WRIT PETITION No.37288 of 2016

Date:01.11.2016