

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

WRIT PETITION No.25190 OF 2015

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ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for Revenue.

Several petitioners were given separate notices under Section 7 of the Andhra Pradesh Land Encroachment Act, 1905 (for short, 'the Act') and separate resumption orders under Section 6 of the Act were also passed. The petitioners question the said resumption orders in this Writ Petition.

On the last date of hearing it was pointed out to the learned counsel for the petitioners that cause of action of each petitioner through common Writ Petition cannot be maintained. That apart, as against any order passed under Section 6 of the Act, a remedy of appeal is available under Section 10 of the Act before the appellate authority. When an efficacious alternative remedy is available to the petitioners, this Court is not inclined to entertain the present Writ Petition against the resumption orders passed under Section 6 of the Act.

However, at this stage, learned counsel for the petitioners brought to the notice of this Court G.O.Ms.No.469, dated 25.05.2015, wherein the District Collector was permitted to handover advance possession of Acs.553.77 cents of land in Dubbacherla Village, Nallajerla Mandal, West Godavari District, to Andhra Pradesh Industrial Infrastructure Corporation and submits that on account of the said G.O., alternative remedy before the District Collector may not be efficacious.

This Court sees no impediment in entertaining, hearing and disposal of the petitioners' appeal by the appellate authority, as the

aforesaid G.O., is the only communication permitting the District Collector to handover the possession of the land. However, the petitioners have been individually given notices under Section 7 of the Act and the orders under Section 6 of the Act are separately passed long after the issuance of the G.O. Hence, there is no reason to entertain the Writ Petition. However, the petitioners are at liberty to approach the appellate authority under the Act, if they are aggrieved by the orders passed under Section 6 of the Act.

Learned counsel for the petitioners alternatively seeks that the petitioners be given time to prefer an appeal, as during pendency of this Writ Petition the period of limitation has expired. Hence, the petitioners are granted two weeks time to prefer an appeal and if the appeal is filed accordingly, the appellate authority shall entertain the same without raising any objection as to the limitation.

The Writ Petition is accordingly disposed of. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

VILAS V.AFZULPURKAR, J

18.01.2016

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