

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION No.4465 OF 2012

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Dated: 22.02.2012

Between:

Aowganti Venkanna .. Petitioner

And

1. The Government of A.P., rep. By the
District Collector, Visakhapatnam.,
and another. .. Respondents

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION No.4465 OF 2012

ORDER :

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This writ petition is filed seeking a declaration that the proceedings of the 2nd respondent dated 30.01.2012 as arbitrary and illegal.

Admittedly the impugned order is passed under Section 6 of the A.P Land Encroachment Act, 1905 (for short, the Act) against which an alternative remedy of appeal is available under Section 10 of the Act. Therefore, without exhausting the said alternative remedy available under the Act, the petitioner cannot maintain this petition.

However, the learned counsel for the petitioner submitted that the impugned order was served on the petitioner only on 12.2.2012 and that the respondents are trying to evict him forcibly even before the expiry of the time available for preferring statutory appeal.

Having regard to the specific plea that the impugned order was served on the petitioner only on 12.2.2012, I deem it appropriate to dispose of the writ petition with a direction that the order of *status quo* dated 17.2.2012 granted by this Court shall be continued for a further period of six weeks from today. In the meanwhile, it is open to the petitioner to work out the remedy of statutory appeal against the impugned order. No costs.

G. ROHINI, J

Dt: 22.02.2012

Note:- CC in 3 days.

(B/O)

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