

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.11005 OF 2017

ORDER:

This writ petition is filed aggrieved by the action of the 2nd respondent in not passing any orders in the appeal and stay petition filed by the petitioner under Section 10 of A.P.Land Encroachment Act, 1905 against the orders dated 23-03-2017 in Proceeding NO.B/264/2017 passed by the 4th respondent.

Learned counsel for the petitioner submits that the 2nd respondent has not passed any orders in the appeal, the respondents 4 to 6 are trying to evict the petitioner by virtue of orders dated 23-03-2017 passed by the 4th respondent.

On the other hand, learned Assistant Government Pleader for Revenue submits that the appeal lie before the Revenue Divisional Officer (R.D.O.)/Sub-Collector against the orders passed by the 4th respondent, as definition of Collector includes the R.D.O. and Sub-Collector. In view of the same, the appeal does not lie before the 2nd respondent.

Learned counsel for the petitioner states that the petitioner will prefer appeal before the 3rd respondent.

In view of the same, since the petitioner has alternative remedy of entertaining revision before the 3rd respondent, this writ petition is disposed of granting liberty to the petitioner to file appeal before the 3rd respondent. Since the petitioner expresses threat of eviction, there shall be status-quo for a

period of two weeks from today to enable the petitioner to file appeal. On filing such appeal, the 3rd respondent is directed to dispose of the stay petition and appeal in accordance with law. This Court has not expressed any opinion on merits of the case. If the petitioner fails to file appeal within the aforesaid period, it is open for the respondent-authorities to take appropriate action in accordance with law.

As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

28-03-2017

Note: Issue CC today.

B/o.
Nvl



