

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.3211 OF 2017

ORDER:

This writ petition is filed seeking writ of mandamus declaring the notices issued by the 4th respondent dated 27.01.2017 directing the petitioners to vacate the subject land as illegal and arbitrary.

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Revenue.

Learned counsel for the petitioner submits that in view of long standing possession, petitioners cannot be dispossessed from the subject property by the respondents under A.P.Land Encroachment Act. He also placed reliance in the judgment reported in **S.Vasantha v. District Collector, Hyderabad District, Hyderabad¹**.

Learned Assistant Government Pleader for Revenue submits that appeal lies against impugned notice of the 4th respondent dated 27.01.2017. He submits that the pattas granted to the petitioners are found to be fake and that in Telangana area, patta will be granted only in guntas but not in cents. He further submits that the petitioners have efficacious alternate remedy of appeal and petitioners can agitate all their contentions before the appellate authority.

In this case, it is to be seen that there is dispute with regard to the genuineness of the pattas granted to the petitioners, as they were found to be fake. As contended by the learned Assistant Government Pleader for Revenue, the petitioner has alternate remedy of appeal. The disputed questions of fact cannot be decided

¹ 2007 (2) ALT 714

in the writ petition. The Judgment relied on by the learned counsel for the petitioners is in different factual back ground.

In view of the same, I do not see any reason to entertain the writ petition and accordingly, the same is dismissed. Petitioners are at liberty to file appeal before the appellate authority. However, *status quo* obtaining as on today shall be maintained for a period of two weeks from today.

There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand dismissed.

31-01-2017

Note: Issue cc today.
B/o. kvs



A.RAJASHEKER REDDY,J

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Date: 31.01.2017

kvs

