

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.20836 of 2017

ORDER:

The petitioners call in question the order Rc.B/639/2016, dated 17.04.2017 passed under Section 6 of the Land Encroachment Act, 1905 (for short 'the Act').

The 2nd respondent through the order impugned in the writ petition called upon the encroachers/a few of the petitioners to vacate from Kunta Poramboke in Sy.No.365/2 in an extent of Ac.18-24 cents of Pasupadu Village, Inkollu Mandal, Prakasam District.

On 15-05-2017, the petitioners have availed the remedy of appeal before the 3rd respondent.

Learned counsel for petitioners tried to persuade this Court by contending that the order of the 2nd respondent dated 17-04-2007 *per se* is laconic and does not show any reason much less acceptable reason for ordering eviction from Sy.No.365/2.

Learned Assistant Government Pleader, on the other hand, contends that the subject matter is Sy.No.365/2 covering an extent of Ac.18-24 cents. According to him, the land is classified as Kunta Poramboke. The details of assignments in favour of various petitioners and their location are stated in the order impugned in the writ petition. In other words, his contention is that the notice under Section 7 of the Act is issued to petitioners on the ground that

they are encroachers of subject matter of the writ petition. The only way to discharge the burden is showing some grant or assignment by Government in favour of petitioners. In the absence of such documentary evidence, the mere fact that the order impugned in the writ petition does not set out in detail the reasons insufficient to invoke the jurisdiction of this Court under Article 226 of the Constitution of India. On the other hand, he contends that remedy of appeal is already availed. So in the fitness of things, the 3rd respondent can be directed to dispose of the appeal expeditiously.

As learned counsel appearing for parties have made a few detailed submissions, the same are adverted to, but on the bottom line of consideration in this case in the peculiar fact situation of the writ petition, this Court is of the view that the 3rd respondent can certainly look into each one of the objections complained against the order dated 17-04-2017 and pass orders. As the petitioners are complaining dispossession, during pendency of appeal before the 3rd respondent, to meet the ends of justice, the following order is passed.

(a) The parties are directed to maintain status-quo for a period of two weeks from today.

(b) The 3rd respondent issues notice of hearing in the appeal, considers disposing of either appeal or the application moved by the petitioners for interim

orders within two weeks period for which status-quo order is granted.

Learned Assistant Government Pleader is directed to communicate the order to the 3rd respondent forthwith.

The writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Dt: 03-07-2017
Prv



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