

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 31106 OF 2017

ORDER:

Petitioners claim to be in possession and enjoyment of various extents of land in Survey No. 1 of Veerabhadravaram Village, Venkatapuram Mandal, Jayashankar Bhupalpally District. While so, the 4th respondent Tahsildar, Venkatapuram Mandal issued notice under Section 7 of the Land Encroachment Act, for which the petitioners submitted their explanation. However, without considering the same, the 4th respondent issued a notice under Section 6 of the Act on 01.08.2017. Questioning the said notice, the petitioners filed Writ Petition No. 26386 of 2017, which was allowed on 21.08.2017 directing the 4th respondent to consider the entire issue and pass a reasoned order. Thereafter, the 4th respondent passed order dated 28.08.2017 and also issued notice under Section 6 on 07.09.2017 directing eviction of the petitioners. Meantime, the petitioners have filed an Appeal before the 5th respondent Additional Agent to Government against the order dated 15.10.1974 in Settlement Case No. 2566 of 1974 on the file of the Settlement Officer, Muttadari & Malguzari Abolition, Rajahmundry. Along with the Appeal, a stay petition has also been filed, but the same have not been considered so far, is the grievance in this Writ Petition.

Heard learned counsel for the petitioners as well as learned Government Pleader for Social Welfare (Telangana).

Since the Appeal filed by the petitioners is pending, without going into the merits of the matter, this Writ Petition is disposed of directing the 5th respondent to dispose of the Appeal itself filed by the petitioners within a period of eight weeks from the date of

receipt of a copy of this order. Till such time, the order dated 15.10.1974 passed by the Settlement Officer in Case No. 2566 of 1974 stands stayed. However, it is made clear that if the petitioners do not participate in the enquiry and do not cooperate in the hearing of the Appeal, the 5th respondent may pass the orders *ex parte* based on the material available on record. No costs.

Consequently, the miscellaneous Applications, if any shall stand closed.

15th September 2017

CHALLA KODANDA RAM, J

ksld/kdl

