

**THE HON'BLE SRI JUSTICE P.NAVEEN RAO**

**WRIT PETITION No.28283 OF 2017**

**DATED : 24.08.2017**

Between :

Modugu Veeraiah S/o.Pedda Nagaiah,  
Age : 61 yrs, Occu : Agriculture,  
R/o.H.No.11-2-78, Gandhi Nagar,  
Palvoncha, Bhadradi Kothagudem District & others.  
.. Petitioners

And

The Revenue Divisional Officer,  
Kothagudem, Bhadradi Kothagudem Distirct. & others.  
.. Respondents



This court made the following :

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**ORDER :**

Heard.

2. Petitioners claim to belong to scheduled caste community and according to them, land to an extent of Ac.5-31 guntas in Sy.No.51 of Somulagudem Village, Palvancha Mandal, Bhadradri Kothagudem District, is developed by their grand father way back in 1950 and thereafter, their family is in continuous possession and cultivating the lands to eke out their living. Petitioners were served with notice under Section 7 of the Land Encroachment Act (for short 'the Act'), alleging that they have encroached into the Government land and thereon notice under Section 6 of the Madras Act III of 1905 was issued on 21.06.2017 holding that the petitioners are in occupation of Government land and unless they vacate the Government land, they would be forcibly evicted. Aggrieved by the said notice, petitioners claim to have preferred appeal before the Revenue Division Officer, Kothagudem. Petitioners also filed application for grant of stay against eviction. This writ petition is filed alleging inaction on the appeal filed by the petitioners and the stay application moved by them.

3. Since petitioners have availed the remedy of appeal provided under Section 10 of the Act and the said appeal is pending consideration of the Revenue Divisional Office, this Court is not inclined to entertain the writ petition and keep it pending.

4. At this stage, learned counsel for the petitioners state that petitioners are in possession and occupation and if the stay application filed by the petitioners is not considered expeditiously, grave prejudice would be caused and they would be evicted from the subject properties.

5. Having regard to these submissions, while dismissing the writ petition, the Revenue Divisional Officer, Kothagudem is directed to consider the application filed by the petitioners in pending appeal to grant interim order, as expeditiously as possible, preferably within three (3) weeks from the date of receipt of copy of this order. Till the application is considered and appropriate orders are passed within the time fixed by the Court, status-quo obtaining as on today shall be maintained with reference to possession and enjoyment of the subject properties. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

24<sup>th</sup> August, 2017

Note : Issue c.c. today

B/o.  
Rds

**P.NAVEEN RAO,J**