

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.30512 OF 2017

Dated:11.09.2017

Between:

Sri Kommidi Samba Reddy,
S/o. Yella Reddy, age 56 years,
Occ: Business, Managing Partner,
M/s. Mahipal Stone Crusher,
At Sy.No.632/1, Peddakondepaka
Village, Sayampet Mandal, Warangal District .. Petitioner

AND

The State of Telangana, rep., by the
Principal Secretary, (Revenue),
Secretariat, Hyderabad and others .. Respondents



The Court made the following:

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ORDER:

In view of the submissions made at the request of learned counsel for the petitioner, as recorded herein, the Court is not dealing with the issue in detail.

2. Petitioner is aggrieved by the order dated 19.08.2017 of the Tahsildar, Shayampet Mandal, which was passed in exercise of powers under Section 7 of the Andhra Pradesh Land Encroachment Act, 1905 (for short, 'the Act'). The Tahsildar held that the petitioner is an encroacher and therefore issued directions to the Mandal Revenue Inspector to resume the land encroached by the petitioner. The petitioner was running stone crush unit in the land to an extent of Acs.5.00 in Survey No.632/1 in Peddakondepaka Village, Shayampet Mandal, which is a Government land.

3. Learned Government Pleader for Revenue on instructions submits that panchanama was conducted and possession was taken on 28.08.2017. According to the proceedings of the panchanama, the stone crush unit is not put to use for the last six months, but certain machinery is standing on the said property.

4. Since learned counsel for the petitioner seeks leave of the Court to prefer appeal under the Act, while granting liberty to the petitioner to file appeal, the respondents are directed not to remove the machinery standing on the subject land till a decision is taken

on the appeal preferred by the petitioner. However, the Court is not disturbing the possession already taken. If no such appeal is preferred by the petitioner within a period of two weeks from today, it is open to the respondent authorities to take appropriate further action, as required by law.

5. The Writ Petition is accordingly disposed of. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

Date:11.09.2017

KH



P. NAVEEN RAO, J