

**HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

**WRIT PETITION No.10463 of 2017**

**ORDER:**

This writ petition is filed against the order in Rc.A.656/2014, dated 03-03-2017 passed under Section 6 of the A.P. Land Encroachment Act (for short “ the Act”) directing eviction of the petitioner.

Learned counsel for the petitioner submits that when there is bonafide dispute regarding title, the Government has to file civil suit, but not by invoking the provisions of the Act. In support of his contention, he relied on the judgment of **Government of Andhra Pradesh v. Thummala Krishna Rao<sup>1</sup>**. He also submits that there is dispute regarding title of the subject land.

On the other hand, learned Assistant Government Pleader for Revenue submits that after considering the explanation of the petitioner, action has been initiated for encroachment. He submits that the petitioner has not claimed title basing on any document. There is no dispute with regard to title. As such the above judgment has no application to the facts of the present case. The petitioner has alternative remedy against the impugned order under the Act. As such the writ petition is liable to be dismissed.

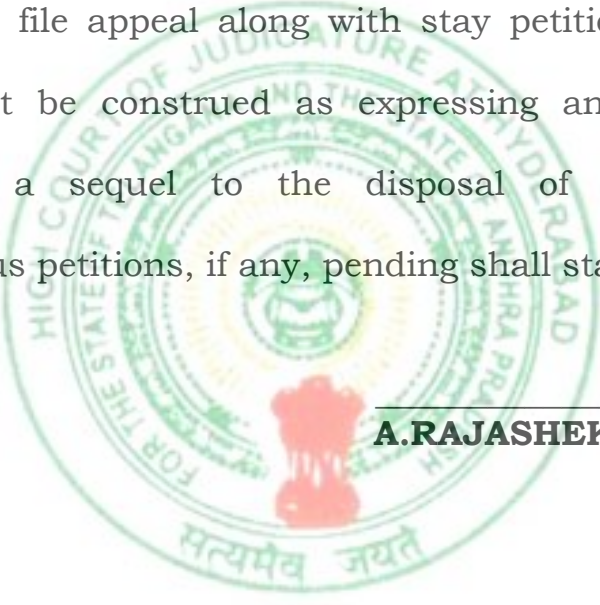
In the present case, it is to be seen that the petitioner has not claimed title basing on any document. From facts

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<sup>1</sup> (1982) 2 Supreme Court Cases 134

stated in the writ affidavit, I do not find the judgment of **Thummala Krishna Rao** cited supra has any application to the facts of the present case. When remedy is available under the provisions of the Act, this Court is not inclined to entertain the writ petition.

Accordingly, this writ petition is dismissed granting liberty to the petitioner to avail alternative remedy under the Act. There shall be status-quo for a period of two weeks from the date of receipt of a copy of this order to enable the petitioner to file appeal along with stay petition. However, this will not be construed as expressing any opinion on merits. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.



**A.RAJASHEKER REDDY,J**

23-03-2017

Nvl

