

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.32884 of 2017

Date : 22.9.2017

Between :

Smt S Padmavathi W/o late S Viswanatham
R/o 13-52, Addala Bazaar,
Jaggayapeta, Krishna district and others

Petitioner

And

State of A P
Revenue Department,
Rep by its Principal Secretary,
Amaravathi, Guntur district and others

Respondents

The Court made the following:



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WRIT PETITION NO. 32884 OF 2017

ORAL ORDER:

Petitioners challenge the order of the Tahsildar made under Section 6 of the Land Encroachment Act, 1905 (for short the Act, 1905) dated 18.9.2017. Against the said order, appeal is provided before the District Collector under Section 10 of the Act, 1905. However, learned counsel for petitioners sought to contend that impugned proceedings itself were initiated at the instance of Collector and Commissioner, therefore, question of preferring appeal to the District Collector does not arise.

2. Statue prescribes appellate authority in the form of District Collector. The District Collector in his capacity as head of Revenue administration in the district may issue several directions in the process of administration of his District. Merely because such directions were issued, it cannot be presumed or assumed that he would be biased while considering the appeal made in exercise of statutory right of appeal. More over, as informed by the learned Government Pleader, the incumbent has changed and there is new incumbent working as Collector.

3. Having regard to the above, liberty is granted to petitioners to avail the remedy of appeal provided under the Act, 1905 within two weeks from today together with an application for interim stay of order of the original authority. Pending consideration of the appeal to be preferred by the petitioners within two weeks from today, there shall be stay of impugned order for a period of four weeks or till stay application is considered by the Appellate Authority, whichever is earlier. It is needless to observe that District Collector shall consider the appeal, if preferred within the time stipulated, objectively and uninfluenced by the earlier correspondence.

4. Accordingly, writ petition is disposed of. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

P.NAVEEN RAO,J

DATE 22.9.2017
TVK



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