

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.35668 OF 2017

DATED : 26.10.2017

Between :

Shaik Saida Saheb, S/o.Alla Bakshu,
Aged 57 yrs, Occu : Business,
R/o.2-111, Remedicherla Village,
Bollapalli Mandal, Guntur District,
Andhra Pradesh & others.

.. Petitioners

And

The State of Andhra Pradesh,
Rep., by its Principal Secretary,
Revenue Department,
Velagapudi, Amaravathi, Guntur District,
Andhra Pradesh & others.

.. Respondents



This court made the following :

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ORDER :

Heard.

2. Petitioners are aggrieved by the order of Tahsildar, Bollapalli Mandal, Guntur District, dated 11.09.2017 issued under Section 6 of the Andhra Pradesh Land Encroachment Act, 1905.

3. Learned counsel for the petitioners sought to contend that though petitioners are in occupation over the property from a long time, they are now evicted on the ground that the land in occupation by them is a burial ground. Whereas, it is not a burial ground and they are in occupation of the land adjacent to the burial ground. Learned counsel also states that aggrieved by the order of Tahsildar, petitioners preferred appeal before the Revenue Divisional Officer, Narasaraopeta, Guntur on 18.09.2017 and the said appeal is pending consideration. At this stage, petitioners are evicted causing undue hardship and suffering.

4. Learned counsel for the petitioners do not dispute the fact that petitioners were already evicted. Therefore at this stage, question of putting the petitioners back even before the appeal is considered and decided and the direction to put the petitioners back in possession cannot be granted.

5. At this stage, learned counsel for the petitioners submit that though the authorities evicted petitioners on the allegation that they were in occupation of burial ground, efforts are being made to allot the very same land to some other purpose other than the purpose concerning the burial ground and that is not permissible

and seeks direction not to assign the land for any other purpose pending disposal of the appeal.

6. Having regard to the submissions made, the Writ Petition is disposed of, directing the Revenue Divisional Officer/appellate authority to consider the appeal preferred by the petitioners and pass appropriate orders, as warranted by law, preferably within a period of four (4) weeks from the date of receipt of copy of this order. If such appeal is not received by the Revenue Divisional Officer, the same shall be informed to the petitioners. If the appeal is filed and received, till a decision is made, the subject land cannot be assigned to any other person or for any other purpose other than utilizing the land for burial ground. There shall be no order as to costs.

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

26th October 2017
Rds

P.NAVEEN RAO,J

