

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No.4302 of 2018

Order:

This Writ Petition is filed for the following relief.

“To issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the order under R.C.No.B/1044/2012, dated 03.02.2018 issued by the 4th respondent under Section 7 of the A.P. Land Encroachment Act, that the petitioners are liable to be evicted from the land in Survey No.444 of Ananthapuram rural village and Mandal and the Notice under Section 6 of Act No.3 of Madras Act, 1905, under R.C.No.B/1044/2012, dated 03.02.2018, issued by the 4th respondent (both served upon the petitioners on 06.02.2018), directing the petitioners to vacate and handover the land to the 4th respondent, contrary to the report dated 24.09.2017 submitted by the 4th respondent to the 2nd respondent as arbitrary, illegal, ultravires, against the principles of natural justice and violation of Article 300-A of Constitution of India, by consequently directing the respondents not to interfere with the properties of the petitioners 1 to 22 bearing Door Nos.28-4-216, 28-4-210-4, 28-4-210/3, 28-4-235, 28-4-221-1, 28-4-211, 28-4-223, 28-4-171, 28-4-233 and 234, 28-4-233/A, 28-4-219, 28-4-212 and 28-4-222 respectively, situated at Netaji Nagar, Bangalore road, Ananthapuram.”

Since there is a provision for appeal against the impugned orders dated 03.02.2018, this Court is not inclined to entertain the present Writ Petition, but gives liberty to the petitioners to avail such remedy as expeditiously as possible, but not later than fifteen (15) days from the date of receipt of a copy of this order. In view of the same, the petitioners shall not be evicted from the lands in their possession for a period of thirty (30) days.

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

As a sequel thereto, the miscellaneous petitions, if any, pending in this writ petition shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 09.02.2018
Nsr