

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.6358 of 2018

ORDER:

The petitioner is a company carrying on the business as processors, exporters, importers, suppliers and commission agents of marine products. It is their case that the residents of Pedapattapu Palem Village and Swarnandhra Pattapu Palem Village of Madanuru Gram Panchayat of Kothapatnam Mandal of Prakasam District requested the petitioner to set up a pre-processing unit in the vacant site belonging to them. Accordingly, the petitioner entered into a lease agreement on 23.03.2017 with the owners of the land of an extent of Ac.1.13 cents of Gramakantam in Survey No.608 of Madanuru Pedapattapu Palem Village of Kothapatnam Mandal, Prakasam District, for a period of 20 years. The executants of the lease continued to be the owners and agreed to hand over the site for an amount of Rs.5.00 lakhs as lease amount for one year. After entering into the agreement, they handed over the physical possession of the site and the petitioner constructed a shed for starting the pre-processing unit. While so, the third respondent issued a notice under Section 7 of the Andhra Pradesh Land Encroachment Act on 28.12.2017 to the petitioner alleging that the petitioner occupied the Gramakantam land of an extent of Ac.0.43 cents in Survey No.608/2 and Ac.0.50 cents in Survey No.608/2 of Madanuru Village without any permission and made construction. The petitioner gave a reply on 18.01.2018

and an order was passed under Section 6 of the Andhra Pradesh Land Encroachment Act on 09.02.2018 and the petitioner was asked to vacate the said land within seven days. Challenging the said order, the present Writ Petition is filed.

Since there is a provision for appeal against the impugned order, this Court is not inclined to entertain the present Writ Petition. In order to enable the petitioner to file an appeal against the impugned order dated 09.02.2018, the petitioner is given liberty to file such appeal and, in view of the same, the third respondent shall not take any further steps pursuant to the impugned order dated 09.02.2018 for a period of thirty days from the date of receipt of a copy of this order.

The Writ Petition is, accordingly, disposed of. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

27.02.2018

Note: Issue C.C in three days.

B/o.

vs