

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION Nos. 11934, 11939 and 11954 of 2018

Date : 24.4.2018

WP 11934 of 2018

Between:

Siddabathula Ksheera Sagara Sayana
S/o Dr Narasimha Rao aged 50 years
Rep GPA Dr Siddabathula Narasimha Rao
43 yrs R/o Pithapuram colony
D No. 9-31-7 Visakapatnam

Petitioner

And

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

Petitioner

And

Respondents

The Court made the following:



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COMMON ORDER:

Since the issue raised in these writ petitions is similar, with the consent of parties they are being disposed of by common order at the stage of admission itself.

2. WP Nos.11934 and 11939 of 2018 are filed aggrieved by the order of the Revenue Divisional Officer in appeal filed by the petitioners under Section 4 of A.P. Assigned Lands (POT) Act, 1977. The Appellate Authority declined to consider the appeal on the ground that WP Nos. 36926 and 36494 of 2017 are pending consideration of this Court and this Court passed interim orders in WPMP No. 45847 of 2017 in WP 36926 of 17 on 3.11.2017 and WPMP No. 45331 of 2017 in WP No. 36494 of 2017 on 1.11.2017.

3. WP Nos. 36926 and 36494 of 2017 are filed challenging the action of the original authority in trying to evict the petitioners from the subject land even before explanation filed by them to the show cause notice dated 22.9.2017 was considered. This Court observed that such course is not valid in law, therefore not to interfere with the petitioners' possession and enjoyment without passing final orders under Section 4 of the Act, 1977. While so, Tahsildar passed final orders dated 27.10.2017. Aggrieved by the said final orders, appeal was preferred.

4. By the very reading of the order passed by this Court, it is clear that the Court observed not to take any coercive action without passing final orders. Once final orders are passed, cause in the writ petitions itself does not survive. There was no embargo imposed on the competent authority to pass final order or appellate authority to entertain appeal and consider appeal. Therefore, appellate authority grossly erred in not considering the appeal on merits and declined to

consider the appeal merely on the ground that above two writ petitions are pending. Said action of appellate authority is accordingly set aside and Revenue Divisional Officer is directed to consider the appeal on its merits and pass appropriate orders as warranted by law. The appeal shall be considered and appropriate orders be passed within 8 weeks from the date of receipt of copy of this order. Till the orders are passed by appellate authority, status quo obtaining as on today shall be maintained.

5. It is appropriate to note that by separate orders W P Nos.36926 and 36494 of 2017 are dismissed.

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

DATE:24-04-2018
TVK



P NAVEEN RAO,J

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