

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

AND

HON' BLE MS.JUSTICE J. UMADEVI

WRIT PETITION No.15108 of 2009

ORDER: (Per Hon' ble Sri Justice C.Praveen Kumar)

1) The present writ petition came to be filed against an order passed in L.G.A.No. of 2009 in L.G.A.S.R.No.4354 of 2008, dated 17.03.2009, wherein the appeal filed by the petitioner herein was dismissed on the ground that the matter does not relate to act of land grabbing.

2) A perusal of the order passed in L.G.O.P.No.343 of 1997 on the file of the Chairman, Andhra Pradesh Land Grabbing (Prohibition) Tribunal-cum-District Judge, Krishna at Machilipatnam, show that the dispute relates to encroachment of land by the second respondent herein. In view of the said encroachment, an application under Section 7 (A) of the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982, came to be filed for eviction of the second respondent herein from the schedule site. In the absence of any material to show that the petitioners are owners of the land and as there was no evidence of any kind to show that the petitioners are in enjoyment of the property, the said L.G.O.P. was dismissed. A reading of the entire order *prima facie* shows that the claim of the petitioners was with regard to the encroachment by the second respondent herein over the said site. But the appellate authority rejected the appeal at the

admission stage holding that the appeal filed by the petitioners was not in respect of land grabbing and that it relates to fishing rights in a tank, which appears to be incorrect.

3) In view of the above, the order under challenge is *set aside*, giving liberty to the petitioner to avail the remedy of appeal under the relevant provisions of law.

4) With the above direction, the writ petition is disposed of. There shall be no order as to costs. Miscellaneous Petitions, pending if any in this Writ Petition shall stand closed.

14.02.2018
gkv



C. PRAVEEN KUMAR, J

MS. J. UMADEVI, J