

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.21820 of 2018

ORDER:

Mr.N.Subba Rao, counsel for petitioner, after receiving the instructions dated 22.09.2017 does not press the writ prayer but seeks liberty to pursue the appeal filed on 14-06-2018. He prays for maintaining *status quo* as on date for a period of six (06) weeks and in the meantime directions may be issued to the appellate authority/3rd respondent to dispose of the stay application or appeal filed by the petitioner.

The learned Assistant Government Pleader opposes consideration of stay by this Court and further informs that the appellate authority will dispose of either stay petition or appeal expeditiously.

The appeal before the 3rd respondent is a substantive right. It is in the fitness of things that the subject matter of appeal is preserved, pending disposal of the appeal.

Therefore, this Court directs to maintain *status-quo* as regards possession and physical features of the subject matter of the order under Section 6 of the Land Encroachment Act, 1905. The petitioner shall not also make further constructions. The appellate authority passes orders on the stay application or appeal filed by the petitioner as expeditiously as possible preferably within four (04) weeks from the date of receipt of copy of this order.

Writ petition is disposed of as indicated above. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

Dt: 29.06.2018
dv

S. V. BHATT, J

