

**HON'BLE SRI JUSTICE C.PRAVEEN KUMAR**

**WRIT PETITION No.32645 of 2018**

**ORDER :**

Heard learned counsel for the petitioner and learned Government Pleader for Revenue (Telangana).

2. With the consent of both parties, the Writ Petition is disposed of at the admission stage.

3. The present Writ Petition came to be filed seeking issuance of Writ of Mandamus declaring the proceedings of the second respondent dated 06.09.2018, vide proceedings No.B2/3485/2018 and the consequential notice vide letter No.B2/3485/2018, issued under Section 6 of the Land Encroachment Act (for short, 'the Act'), dated 06.09.2018, which are passed for eviction of the petitioner from the property bearing H.No.11-4-692/1/A(old plot No.2), admeasuring 131.23 square yards near MNJ Cancer Hospital, Habibnagar Road, Red Hills, Hyderabad, as illegal and arbitrary.

4. Learned counsel for the petitioner submits that the second respondent issued the impugned proceedings, without issuing notice to the petitioner and hence the same is illegal and violative of principles of natural justice.

5. Learned Government Pleader objects the same on the ground that when statutory remedy of appeal is available to the

petitioner under Section 10 of the Act, he cannot approach this Court raising various issues, without availing such remedy.

6. At this stage, learned counsel for the petitioner would submit that the petitioner would prefer an appeal under Section 10 of the Act and that his interest may be protected for a minimum period of one week.

7. Having regard to the above, the petitioner shall prefer an appeal under Section 10 of the Act, in which event, the appropriate authority shall deal with the same, in accordance with law. Since the petitioner claims to be in possession of the property in dispute, *status-quo* as on today to be maintained for a period of ten (10) days from today.

8. With the above direction, the Writ Petition is disposed of.

9. As a sequel thereto, Miscellaneous Petitions, if any, pending in this Writ Petition, shall stand closed. No costs.

**C.PRAVEEN KUMAR, J**

Date:11.09.2018

**Note:**

Issue CC by tomorrow.

B/o.

vhb