

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.35979 OF 2018

ORDER:

The present writ petition came to be filed seeking to declare the impugned proceedings dated 17.9.2018, issued by the 4th respondent in treating the land admeasuring Ac.0.40 cents situated at Sy.No.39/9 of Akkarampalli Village, Tirupati Urban Mandal, Chittoor District as Government land and treating the petitioner as an encroacher by directing the petitioner to vacate the land within 48 hours from the date of receipt of the order as illegal and arbitrary.

When the matter is taken up for hearing, the learned Government Pleader for Revenue would submit that against the impugned proceedings, appeal lies under Section 10 of the Land Encroachment Act, 1905 (for short, "the Act"), before the 3rd respondent-R.D.O and the petitioner may be directed to avail the remedy of filing the appeal.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the petitioner to file an appeal before the 3rd respondent-R.D.O under Section 10 of the Act against the impugned proceedings within a period of one week from today along with the stay petition, in which event, the 3rd respondent-R.D.O shall deal with the same and pass appropriate orders, as early as possible preferably, within a period of eight to ten weeks from the date of filing of the appeal, in accordance with law, after giving reasonable opportunity of hearing to the petitioner and all concerned. However, since the petitioner is in the possession of the subject land, status quo existing as on today, shall be maintained for a period of four weeks from today.

With the above direction, the writ petition is disposed of. No order as to costs. As a sequel to disposal of the writ petition, WP.M.Ps if any pending shall stand closed.

Dated:04.10.2018.
Gk

C. PRAVEEN KUMAR, J



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