

HONOURABLE SRI JUSTICE A.V. SETHA SAI

WRIT PETITION NO: 39211 OF 2018

ORDER :

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue [TG].

2. An order passed by the Estate Officer under the provisions of sub-section (1) of Section 5 of the Public Premises [Eviction of Un-authorised Occupants] Act, 1971 [for brevity 'the Act'] is challenged in the present writ petition.

3. Admittedly, section 9 of the said Act, provides for an appeal against the order impugned in the present writ petition. Therefore, this Court is not inclined to go into the merits of the matter. Therefore, the petitioner is at liberty to avail the said alternative remedy of appeal. However, in this context, it is submitted by the learned counsel for the petitioner that the respondent-authorities are actively contemplating to dispossess the petitioner from the subject premises.

4. In view of the availability of alternative remedy of appeal, this Court is not inclined to go into the merits of the matter. However, it is open for the petitioner herein to avail the remedy of appeal under section 9 of the Act, within a period of three weeks from the date of receipt of a copy of this order. The respondent-authorities are directed not to take any coercive action

against the petitioner pursuant to the impugned order till the said period.

5. With the above direction, the writ petition is disposed of.

No costs.

6. As a sequel, miscellaneous applications if any, pending in this writ petition shall stand closed.

JUSTICE A.V.SESHA SAI



31/10/2018

I s L

N B : 1) Office is directed to return the impugned order to the counsel for the petitioner.

2) Furnish C.C. today, as the matter is very urgent in nature.

HONOURABLE SRI JUSTICE A.V. SESA SAI

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[RESULT :: DISPOSED OF]



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Date: 31/10/2018
Court Master : I s L

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