

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.45777 of 2018

ORDER:

This writ petition is filed challenging the action of the respondents in issuing notice under Section 7 of the A.P.Land Encroachment Act, dated 15.06.2018 followed by a cryptic order devoid of reasons and a notice dated 17.07.2018 issued under Section 6 of the Act, directing the petitioner to vacate the land to a extent of 245 square yards, Plot No.48 in Sy.No.14/AA, situated at Thummabowli, Saroornagar Mandal, now known as Hanuman Nagar Rock Town, admeasuring 258 square yards.

Learned Counsel for the petitioner submits that the petitioner has filed appeal before the Revenue Divisional Officer- 2nd respondent, against the order dated 17.07.2018 passed by the 3rd respondent along with stay petition and the same is not being disposed of, and in the meanwhile the respondents are trying to interfere with the construction activity of the petitioner. He also submits that that the 2nd respondent has also directed the Dy.Inspector to conduct survey and submit report, but so far no survey was conducted and the appeal is kept pending. He further submits that the Government has constructed a wall demarcating the petitioner's property and the Government property which is adjacent to the petitioner's property and that when once wall is constructed demarcating the property by the Government itself, question of encroachment by the petitioner does not arise. He also submits that the petitioner has already submitted elaborate

explanation in pursuance to the notice issued under Section 7 of the Land Encroachment Act, but without considering the same, the impugned order is passed and that the appellate authority has also not considered the said aspect.

Learned Assistant Government Pleader for Revenue submits that the petitioner has already availed alternate remedy of appeal.

In view of the aforesaid facts and circumstances, the 2nd respondent is directed to dispose of the appeal filed by the petitioner against the order dated 17.07.2018, vide proceedings No.B/565/2018, in accordance with law, within a period of two months from the date of receipt of a copy of this order. Meanwhile, *Status quo*, obtaining as on today shall be maintained regarding possession of the subject property. It is also open for the petitioner to raise all his contentions raised before this Court, in the appeal pending before the 2nd respondent and the 2nd respondent is obligated to consider the same.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

17.12.2018
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