

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 17137 of 2019

ORDER:

In this writ petition, the petitioners challenge the proceedings, dated 24.07.2019, issued by respondent No.3-Tahsildar, Nagarkurnool Mandal, Nagarkurnool District, under Section 6 of the Land Encroachment Act, 1905 (for short 'the Act'), alleging that they are the encroachers into the Government land.

Though the learned counsel for the petitioners placed reliance on the judgment of the Hon'ble Supreme Court in **Government of Andhra Pradesh Vs. Thummala Krishna Rao and others**¹, considering the fact that as against the proceedings, dated 24.07.2019, there is a remedy of appeal provided under the provisions of the Act, this Court is not inclined to deal with the contention of the learned counsel for the petitioners as in the case on hand, admittedly, the suit filed by the petitioners for declaration and injunction ended in dismissal and the appeal suit also came to be dismissed.

In view of the fact that the Second Appeal is pending and there is no stay granted in favour of the petitioners and as the learned Government Pleader asserts that possession has already been taken over, leaving it open to the petitioners to avail the remedy of appeal as available under the Act, the writ petition is closed. The narration of the facts as stated above shall not be construed as this Court expressed any opinion with respect to the merits of the matter.

¹ AIR 1982 SC 1081

Miscellaneous petitions, if any, pending in this writ petition shall also stand closed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dt:13.08.2019
kdl



