

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION Nos.19523 and 19526 of 2019

COMMON ORDER:

The proceedings of the 4th respondent, dated 29.08.2019, purported to have been issued under Section 6 of the Land Encroachment Act, are challenged before this Court. Under the impugned proceedings, the petitioners were sought to be evicted from their respective properties in Survey Nos.43 and 44 of Gandhamguda Village, Gandipet Mandal, Ranga Reddy District.

It is the case of the petitioners that no notice has been served to them and no opportunity has been given either at the stage of initiating proceedings under Section 7 of the Act, or at the stage of Section 6. The petitioners assert that the impugned order itself reads as if notice has been given to one Sri Ramu (in W.P.No.19523 of 2019) and one Sri Kumar (in W.P.No.19526 of 2019), by terming the said addressees as "Builder".

Learned counsel for the petitioners asserts that the suit schedule property came to be purchased by the petitioners through registered sale deeds from their vendor viz., M/s Niyas Projects represented by its Managing Director G. Vinod Reddy S/o Srinivas Reddy, which is a partnership firm. It is also asserted by the learned counsel that the title to the property could be traced back to almost thirty (30) years as originally the land was purchased by various persons from time to time through registered sale deeds from the original pattadars.

Learned Government Pleader submits that no interference has been being made with respect to petitioners' properties in Survey Nos.43 and 44 of Gandhamguda Village, Gandipet Mandal, and, as a matter of fact, the constructions was found to have been made in Survey Nos.43, which is Government land. Learned Government Pleader would further assert that the persons who are in occupation are encroachers as per the Land

Encroachment Act, and notice has already been served on the individuals. In those circumstances, the order impugned in the writ petitions does not require interference of this Court. Learned Government Pleader, however, submits that against the impugned proceedings, there is an appeal provision under the Act.

In the present case, the petitioners specifically assert that they have title to their respective properties through registered sale deeds from M/s Niyas Projects, and they specifically deny the allegation that they are making constructions in Survey No.43. Considering *prima facie* that the petitioners were not served any notice on account of which they didn't have any knowledge about the eviction action proposed under the impugned orders, and considering that there is an appeal provision against the impugned order, interest of justice would be served if the petitioners are permitted to avail the remedy of appeal, by suspending the impugned orders for a limited period.

In those circumstances, subject to the condition of the petitioners filing appeal within a period of four (4) weeks from the date of receipt of a copy of this order, before the appellate authority provided under the Act, the impugned order dated 29.08.2019 passed in both the writ petitions shall stand suspended. It is made clear that the petitioners shall not carry out any constructions and shall maintain *status quo* in all respects till their appeals are decided by the appellate authority, in accordance with the procedure prescribed under law.

Subject to the above, the writ petitions are disposed of. No costs. Miscellaneous petitions, if any pending, shall stand closed.

CHALLA KODANDA RAM, J

09th September, 2019
KSM

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