

**THE HONOURABLE SRI JUSTICE P.NAVEEN RAO**

W.P.Nos. 25638 & 25677 of 2019

**COMMON ORDER:**

Heard learned counsel for petitioners and learned Government Pleader for Revenue.

2. Both the writ petitions are filed questioning the orders passed by the Tahsildar, Gadwal Mandal on 16.11.2019 under Section 6 of the Land Encroachment Act, 1905. After making elaborate submissions, the learned counsel appearing for petitioner in both the writ petitions, seeks leave of the Court to prefer appeal against the orders passed by the Tahsildar under the said Act, however, learned counsel requests to grant protection till the remedy of appeal is availed.

3. According to Section 11 of Land Encroachment Act, the limitation prescribed for filing appeal is sixty (60) days. Since the order passed by the Tahsildar is on 16.11.2019, the time to avail has not expired. Therefore, petitioners are granted liberty to avail remedy of appeal before the appellate authority under the Act against the orders passed by the Tahsildar dated 16.11.2019. They are also entitled to file application to grant stay of the orders of Tahsildar under sub-section (2) of Section 10 of Land Encroachment Act and if such appeal and applications are filed within three weeks from the date of receipt of copy of this order and till consideration of the same, the orders passed by the Tahsildar dated 16.11.2019 shall not be given effect to or for a period of eight (8) weeks from the date of receipt of a copy of this order, whichever is earlier. At any rate, appellate authority shall pass orders in interlocutory application within four weeks from the date of filing of appeal.

4. With the above observations and directions, both the writ petitions are disposed of. Pending miscellaneous petitions, if any, shall stand closed.

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**P.NAVEEN RAO,J**

Date: 21.11.2019

Note:

Issue C.C. forthwith.

(b/o)

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