

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

THE HON'BLE SRI JUSTICE NINALA JAYASURYA

WRIT PETITION NO.19466 of 2023

Between:-

Kalaga Laxmana S/o. Late Papayya,
Aged about 63 years, Occ: Cultivation,
R/o. Door No.5-15, Kalaga Street,
Segidipeta Village, Gara Mandal,
Srikakulam District.

.... Petitioner

And

The State of Andhra Pradesh, represented
by its Principal Secretary (Revenue),
Secretariat Building, Velagapudi, Guntur District & three others

... Respondents

Counsel for the Petitioner : Mr. Srinivas Ambati

Counsel for the Respondents : Government Pleader for Revenue

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Revenue. With their consent, the present writ petition is disposed of.

2. Aggrieved by the notice, dated 24.07.2023 issued under Section 6 of A.P.Land Encroachment Act, 1905 and Endorsement in Rc.No.376/2023/A, dated 24.07.2023 of respondent No.4, directing the petitioner to vacate from the R.C.C residential building situated in an extent of 0.04 cents and remove the coconut trees situated in Ac.0.02

cents in Sy.No.746-1, situated in Sreekurmam Village of Gara Mandal in Srikakulam District, the present writ petition is filed.

3. Learned counsel for the petitioner with reference to the averments made in the writ petition and the material filed along with the same submitted that the impugned proceedings, dated 24.07.2023 are not sustainable in law. However, it is pointed out by the learned Assistant Government Pleader for Revenue that the petitioner instead of availing alternative remedy, has filed the present writ petition which is not maintainable.

4. Learned counsel for the petitioner therefore, submits that the petitioner would avail the remedy of appeal, but as there is threat of dispossession of the petitioner from the subject matter property by demolition etc., the petitioner's interest may be protected, till availing of the alternative remedy i.e., filing of appeal or obtaining appropriate orders from the appellate authority.

5. Considering the submissions, this Court without going into the merits of the case, deems it appropriate to dispose of the writ petition leaving it open to the petitioner to file appeal against the impugned proceedings within a period of two (02) weeks. Till filing of the appeal and passing of any interim orders in the said appeal, no coercive action in respect of the subject matter property shall be resorted to, pursuant to

the impugned notice dated 24.07.2023 and Endorsement in Rc.No.376/2023/A, dated 24.07.2023.

Consequently, miscellaneous applications, pending if any, shall stand closed.

JUSTICE NINALA JAYASURYA

Date: 03.08.2023
P K R

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