

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

THE HON'BLE SRI JUSTICE B KRISHNA MOHAN

WRIT PETITION No.2628 of 2023

Dasari Koteswara Rao s/o Verraiah
aged about 57 years, resident of
D.No.1-15 Mussapuram Village,
Pedakurapadu Mandal Palanadu
District, Andhra Pradesh-522402.

.... Petitioner

Versus

The State of Andhra Pradesh rep. by its
Principal Secretary to Government,
Revenue Department, A.P. Secretariat,
Velagapudi, Amaravati, Guntur District
Andhra Pradesh-522238 and 4 others.

....Respondents

ORDER:

Heard the learned counsel for the petitioner and the
learned Assistant Government Pleader for Revenue for the
respondents.

2. This writ petition is filed questioning the notice issued
by the 4th respondent dated 20.01.2023 under Section 6 of
the Andhra Pradesh Land Encroachment Act III of 1905.

3. The learned counsel for the petitioner submits that the
petitioner is in possession of the land to an extent of Acres
0.90 cents in Survey No.216 for the last so many years.
While so, the 4th respondent issued notice dated 02.01.2023
under Section 7 of the Andhra Pradesh Land Encroachment

Act III of 1905, for which the petitioner submitted the explanation on 09.01.2023. Without considering the application, the impugned notice under Section 6 of the Land Encroachment has been passed by the 4th respondent dated 20.01.2023. Aggrieved by the same, this writ petition is filed.

4. On the other hand, the learned Assistant Government Pleader appearing for the respondents submits that the petitioner has to prefer an appeal before the RDO under Section 10 of the Land Encroachment Act, 1905. Without preferring the same, he straightaway filed this writ petition under Article 226 of the Constitution of India, which cannot be entertained at this stage.

5. In view of the above said facts and circumstances, the petitioner is permitted to prefer an appeal within a period of two (02) weeks from the date of receipt of copy of this order against the impugned proceedings of the 4th respondent dated 20.01.2023. Till such time of filing of the appeal by the petitioner before the appellate authority, the respondent authorities are directed to maintain *status quo* with respect to the subject land to an extent of Acres 0.90 cents in Survey No.216 of Mussapuram, Pedakurapadu Mandal, Palnadu District.

6. In default of preferring the appeal, the order of *status quo* granted by this Court is deemed to have been vacated. It is made clear that the appellate authority shall consider the interim and main reliefs afresh on their own merits.

7. Accordingly, the writ petition is disposed of. There shall be no order as to costs.

As a sequel, Miscellaneous Petitions pending, if any, shall stand closed.

JUSTICE B KRISHNA MOHAN

03.02.2023
PGT