

HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.17048 OF 2004

ORDER:

The writ petition is filed questioning the issuance of notice Rc.No.D/2357/2004 dated 14.09.2004 by the 2nd respondent.

The learned counsel appearing for the petitioner has drawn the attention of this Court to the circumstances/reasons warranting issuance of notice. The grounds urged against the notice are that it does not refer to the provision or enactment under which it is issued. Notwithstanding such infirmity, the grievance made out in the writ petition is that the respondents were hell-bent upon taking possession of the land of petitioner pursuant to notice.

This Court through order dated 22.09.2004 granted interim direction in favour of petitioner. The respondents have filed counter-affidavit along with a few annexures. From the annexures filed along with the counter-affidavit what transpires is that on 25.08.2004 one Smt.Prameela Jaganmohan Reddy, resident of Begumpet, Hyderabad filed complaint before the 1st respondent concerning the land situated at Chinnoor. The complaint further reads that the property covered by the sale certificate dated 30.05.1964 is an evacuee property and there is threat of grabbing or encroachment by strangers.

The 1st respondent ought to have received it as complaint simplicitor and directed action in accordance with law. The averment of the petitioner can be treated as unfounded or a mere apprehension. But there appears reason in such apprehension for the 1st respondent on 04.09.2004 directed the Revenue Divisional Officer, Mancherial to immediately take over the land under Government custody and protect it. Now the notice impugned in the writ petition can be corresponded to the endorsement made by the 1st respondent on 04.09.2004.

This Court is of the opinion that the 1st respondent cannot prematurely conclude the issue and without hearing the affected party, direct taking possession. The notice impugned in the writ petition is set aside. In view of the nature of the controversy centering around the land covered by Sy.No.719 at Chinnoor Village, this Court is not expressing its opinion on the rival contentions. Consequently, the 1st and 2nd respondents are at liberty to proceed with against petitioner in accordance with law and pass orders after affording opportunity.

The writ petition is, accordingly, ordered. There shall be no order as to costs.

Miscellaneous petitions, if any, in this writ petition shall stand disposed of.

S.V. BHATT,
J

17th December, 2013
Lrkm