

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH

* * *

WRIT PETITION No. 35853 of 2015

BETWEEN

Ch.Bal Reddy

... PETITIONER

AND

The State of Andhra Pradesh, rep. by its Principal Secretary and others

...RESPONDENTS

Date of Order pronounced: 09.11.2015

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

1. Whether Reporters of Local newspapers Yes/No

may be allowed to see the Judgments?

2. Whether the copies of judgment may be Yes/No

marked to Law Reporters/Journals?

3. Whether his Lordship wish to see the Yes/No

fair copy of the Judgment?

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ORDER:-

Heard.

2. Petitioner questions the notice issued by the third respondent under Section 7 of the A.P.Land Encroachment Act, 1905. It is further submitted that the petitioner has shown the cause by sending a reply on 08.10.2015 by registered post acknowledgment due. However, petitioner was served with the notice under Section 6 of the Act dated 16.10.2015 on 17.10.2015.

3. Learned counsel for the petitioner contends that the explanation of the petitioner has not at all been considered while passing the order under Section 6 of the Act and further the third respondent has directed the Inspector of Police, Bitragunta Police Station under proceedings dated 23.10.2015 seeking police protection for implementation of the order. The said proceedings show that petitioner's explanation was not received by the third respondent.

4. Learned Government Pleader for Revenue was required to get instructions as to whether petitioner's representation was received by the third respondent. Learned Government Pleader, on instructions, submits that the impugned order under Section 6 was passed on 15.10.2015 and petitioner's explanation was received by the third respondent on 17.10.2015 i.e., after issuing the notice under Section 6 of the Act.

5. It is apparent from Ex.P3 that the third respondent has signed the notice under Section 6 only on 16.10.2015 and not on 15.10.2015 as mentioned in the instructions. In any case,

since the petitioner's explanation is stated to have been received by the third respondent after issuing notice under Section 6, petitioner has to approach the appellate authority against the said order and seek appropriate protection from the appellate authority pending the appeal.

6. In view of that, I do not see any reason to entertain the writ petition. However, petitioner is at liberty to approach the appellate authority on or before 16.11.2015 and till then *status quo*, as on today, shall be maintained. Petitioner shall be at liberty to seek appropriate protection from the appellate authority pending consideration of his appeal.

The writ petition is accordingly disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

November 7, 2015

Note:-

Furnish copy by 09.11.2015.

{B/o} LMV