

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.10847 of 2015

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Between:

C.P.I. (M) Party, Pedakomera Village unit,
Gampalagudem Mandal, Krishna District.
Rep. by Division Secretary, S. Nageswara Reddy.

PETITIONER

AND

1. State of Andhra Pradesh, rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad, and others.

RESPONDENTS

ORDER:

This writ petition is filed seeking the following relief:

“.....to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent authorities to initiate land eviction proceedings in Rc.B.No.133/2014, dt.30.3.2015 issued by the 3rd respondent under

Section-7(1) of the A.P. Land Encroachment Act as illegal, arbitrary and violative of law declared in Government of A.P., Vs. Tummala Krishna Rao reported in 1982 AIR page No.1081 and further violative of rights guaranteed under Article 300-A of the Constitution of India and consequently set-aside the same...”.

The case of the petitioner-organisation is that it is in possession and enjoyment of the schedule property in an extent of Ac.0.04 cents out of Ac.0.75 cents in Sy.No.62/1, 3 & 4 since 1982, and ever since it is paying land revenue, house tax and electricity charges regularly. While so, the 3rd respondent issued notice dated 30.03.2015 purporting to be invoking Section 7 of the A.P. Land Encroachment Act. In response to the said notice the petitioner submitted representation dated 9.04.2015. The very jurisdiction of the 3rd respondent in issuing notice under the Act is under challenge in this writ petition.

Heard learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue (A.P) for respondents 1 to 4 and Sri Ravi Cheemalpati learned Standing Counsel for respondent No.4.

However, this is a case where notice has been issued under Section 7 of the Act and the petitioner had submitted explanation and an order is yet to be passed under Section 6 of the Act. It is needless to mention that the petitioner is entitled to raise all the grounds that have been raised in this writ petition before the concerned authorities under relevant provisions of law, and the concerned authority is required to deal with every aspect of the matter and pass a reasoned order. At this stage, there is no reason for this Court to come to a conclusion that the authorities will not deal with the contentions raised or that may be raised by the petitioner, while passing of orders under Section 6 of the Act.

Considering the fact that since the petitioner approached this Court by filing the present writ petition, during which period the time granted by the authority has been expired, the respondent-authorities shall take into consideration the explanation that may be submitted by the petitioner, provided, if it is filed within two weeks from today, in accordance with the observations made in the writ petition as well as various precedents and pass appropriate orders in accordance with law.

With the above observations, the writ petition is disposed of. No costs. As a sequel, miscellaneous petitions, if any, shall stand closed.

CHALLA KODANDA RAM, J.

1st May, 2015

Js.

Dispatch copy immediately.