

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V. BHATT

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Writ Appeal No.553 of 2015

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DATED:03.07.2015

Between:
Mahavir Pershad,
Hyderabad.

... Appellant

And

The State of Telangana,
Represented by its Principal Secretary,
Revenue Department,
Hyderabad and others.

....Respondents

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
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Writ Appeal No.553 of 2015

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PC: (Per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

This writ appeal is directed against order dated 29.6.2015 passed in Writ Petition No. 18669 of 2015, whereby, the appellant's petition challenging the show cause notice dated 19.6.2015, issued under Section 7 of the Andhra Pradesh Land Encroachment Act, 1905 (for short 'the Act'), has been disposed of with the following directions:

- "1. Petitioner shall file an explanation to the impugned notice on or before 06-07-2015.
2. Respondent No. 4 shall, thereafter, consider the said reply/explanation of the petitioner in accordance with law and pass appropriate reasoned order after giving opportunity of hearing to the petitioner.
3. If any adverse order is passed against the petitioner, the same shall not be enforced for a period of two weeks to enable the petitioner to avail appropriate further remedies as permissible under law."

It is well settled that writ petition under Article 226 of the Constitution of India, challenging a show cause notice is ordinarily not to be entertained. (See: **Special Director and another vs. Mohd. Ghulam Ghouse and another** ([2004] 3 SCC 440).

Keeping that in view and having regard to the observations made by the learned Single Judge in the order, and the directions

issued, in our opinion, the appeal deserves to be dismissed. Order accordingly.

Consequently, miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

**S.V. BHATT,
J**

3rd July, 2015

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