

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.15682 of 2015

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ORDER:

Heard.

The petitioner was given a notice under Section 7 of the Land Encroachment Act, 1905 (for short 'the Act') alleging that she was found to have encroached the land admeasuring Ac.0-01 cent in Sy.No.210 of Pedda Hothur Village, Alur Mandal, Kurnool District. The said notice, dated 25-03-2015 was replied to by the petitioner under Ex.P-3 undated. As per the said reply, the petitioner claims to be in possession of Ac.0-02 cents in Sy.No.214 of Pedda Hothur Village, Alur Mandal, Kurnool District. The present writ petition is filed apprehending dispossession from Sy.No.214 admeasuring Ac.0-02 cents claimed by the petitioner under the guise of notice issued under Section 7 of the Act relating to Sy.No.210 for the land admeasuring Ac.0-01 cent.

Obviously, no final order under Section 6 of the Act was passed by the 3rd respondent. Hence, at this stage, the apprehension of the petitioner that she will be evicted is not acceptable, as the petitioner was already given appropriate notice under Section 7 of the Act by the 3rd respondent inviting explanation from the petitioner. However, since the said proceedings are still pending with the 3rd respondent and he is yet to consider the explanation submitted by the petitioner, obviously, the petitioner cannot be evicted unless final decision is taken.

The 3rd respondent shall, therefore, consider the petitioner's explanation particularly relating to Sy.No.214 admeasuring Ac.0-2 cents claimed by her as against notice relating to Sy.No.210 in respect of the land admeasuring Ac.0-01 cent and take appropriate decision in the matter by passing a reasoned order and till then, the petitioner shall not be evicted from the land in question.

Accordingly, the writ petition is disposed of. No order as to costs.

The miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 05-06-2015

Note:

Issue C.C. in three days

(B/o)

Prv

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