

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

* * *

WRIT PETITION No. 34710 of 2015

BETWEEN

S.Narayana Swamy

... PETITIONER

AND

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

...RESPONDENTS

Date of Order pronounced: 26.10.2015

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals? | Yes/No |
| 3. Whether his Lordship wish to see the
fair copy of the Judgment? | Yes/No |

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ORDER:-

Heard learned counsel for the petitioner and learned government
pleader for Revenue.

2. Notice issued under Section 7 of the A.P. Land Encroachment Act,

1905 to the petitioner dated 04.09.2015 is questioned in this writ petition. The impugned notice alleges that petitioner is in possession of land to an extent of Ac.2-00 in survey No.503 of Nandanavanam Village. In response to the said notice, Petitioner is stated to have given an explanation, followed by a further detailed representation, dated 28.09.2015 before the District Collector.

3. Though the present writ petition is filed raising several factual issues alleging that petitioner is in possession for long number of years and is directed against the notice issued under Section 7 of the Land Encroachment Act, I am unable to see any grounds to declare the said notice as unenforceable. The third respondent undoubtedly has power to issue such a notice and call for explanation from the petitioner. Since the petitioner has already submitted his explanation as referred to above, it is for the third respondent to consider the said explanation, in accordance with law, and pass a reasoned order before taking final decision in the matter.

4. The writ petition is therefore disposed of directing the third respondent to consider petitioner's explanation in response to the impugned show cause notice and then take an appropriate decision by passing a reasoned order. It is obviously to be noted that till appropriate decision is taken by the third respondent, petitioner shall not be dispossessed from the land covered by the aforesaid notice.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

October 26, 2015
LMV