

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.21378 of 2015

ORDER:

Heard.

This writ petition appears to have been filed merely on apprehension that the petitioner would be dispossessed. The record clearly shows that the 4th respondent issued notice, dated 20-05-2015, to the petitioner under Section 7 of the A.P.Land Encroachment Act alleging that he has encroached the land admeasuring Ac.0-38 cents in Sy.No.402 situated at Vendodu Village, Gudur Mandal, SPSR Nellore District. The petitioner has submitted his explanation on the same day to the 4th respondent asserting that he has not encroached the land in question and he is enjoying the same and he is cultivating Mango and Neem tress and they are at riping stage and as such, requested to consider his plea and not to dispossess him. Apprehending dispossession and non-consideration of his explanation, the petitioner filed the present writ petition.

As stated above, the 4th respondent has given notice to the petitioner giving him an opportunity to submit explanation and the petitioner has already submitted explanation, which is yet to be considered by the 4th respondent. Under the provisions of A.P.Land Encroachment Act, the 4th respondent has to consider the explanation submitted by the petitioner and then pass appropriate reasoned order under Section 6 of the of the A.P.Land Encroachment Act or to drop the proceedings, if he accepts the explanation of the petitioner. Thus, the apprehension of the petitioner that without considering the explanation he would be dispossessed is clearly without any basis. The 4th respondent, shall, therefore, take into consideration the petitioner's explanation and pass appropriate orders as observed above.

Accordingly, the writ petition is disposed of. There shall be no order

as to costs.

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

VILAS V.AFZULPURKAR, J

Date: 16-07-2015

Prv

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