

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.29586 OF 2015

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Revenue.

The grievance of the petitioner is that without issuing any notice, he is sought to be dispossessed from his house bearing No.2-33, Byaran, along with cattle sheds to an extent of Ac.0.75 cents in Survey No.230/6 in Ponugodu Village, Kanigiri Mandal, Prakasam District.

The instructions of learned Government Pleader for Revenue, however, show that on inspection of the site, the Tahsildar, Kanigiri Mandal, Prakasam District, the 3rd respondent, has found that the petitioner has encroached the Government land to an extent of Ac.0.75 cents and as such he was issued a notice under Section 7 of the Andhra Pradesh Land Encroachment Act, 1905 (for short, 'the Act') as per the due procedure. The petitioner, however, does not refer to any such notice and it appears that either the notice is suppressed or the same is issued after the petitioner filed the Writ Petition.

In any case, even if the petitioner is an encroacher, the 3rd respondent is required to follow the procedure prescribed under law and since he has already stated to have issued notice under Section 7 of the Act, it is open for the 3rd respondent to seek explanation from the petitioner, consider the same and pass appropriate orders before taking any action against the petitioner.

The Writ petition is, accordingly, 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

14.09.2015

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