

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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W.P. NO. 14673 of 2015

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Date of Judgment: 2.6.2015

Between:

M. Subba Reddy

...Petitioner

And

The State of A.P. and another

..Respondents

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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W.P. NO. 14673 of 2015

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ORDER:

Heard learned counsel for the parties.

The present writ petition is directed against the notice dated 12.5.2015 under Section 7 of the Andhra Pradesh Land Encroachment Act, 1905 issued by the second respondent to the petitioner. The said notice states that out of total extent of Ac.67-07 guntas of land in Sy.No. 1388-B situated at Dumpalagattu village, the petitioner was found to have encroached into Ac.2-00 of land and has been using the same for horticulture purpose (Banana crop). The said notice requires the petitioner to submit objections as to why he

should not be summarily evicted.

The petitioner states that he is a landless poor person and he is in possession of the said land from the time of his father for more than 100 years and banana crop is existing on the said land and apprehending summarily eviction, the present writ petition is filed.

Under the scheme of the Andhra Pradesh Land Encroachment Act it is open to the petitioner to submit a detailed explanation/objections to the impugned notice and the same has to be considered by the second respondent on merits and then a reasoned order is required to be passed by the second respondent. The petitioner is at liberty to raise all his contentions against the impugned notice by submitting an explanation/objections. At this stage, staying of proceedings in pursuance of the said notice is not warranted.

This writ petition is, therefore, disposed of permitting the petitioner to submit an explanation/objections to the impugned notice and on receipt of the same, the second respondent shall pass a reasoned order. It is needless to clarify that till the order is passed by the second respondent, the petitioner shall not be evicted or otherwise interfered with the land covered by the impugned notice.

Miscellaneous applications, if any, shall stand closed. No order as to costs.

VILAS V. AFZULPURKAR, J

Dt. 2.6.2015

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NB:

C.C. of order be furnished in two days.

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