

***THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR***

**WRIT PETITION No.27013 OF 2015**

**ORDER:**

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

The petitioner questions the notice, dated 10.08.2015, issued to him under Section 7 of the Andhra Pradesh Land Encroachment Act by the 4<sup>th</sup> respondent alleging that he is found encroached to an extent of Ac.0.03 cents of land in Survey No.145/1 of Nagisettypalli Village, B. Mattem Mandal, Kadapa District on the ground of jurisdiction. The petitioner states that land admeasuring Ac.0.64 cents in the same village is patta land and the same is also shown in his pattadar passbook.

He also contends that his possession is recorded in the revenue records. However, at the instance of some third person, the 4<sup>th</sup> respondent is stated to have issued the notice, dated 10.08.2015, against the petitioner. Hence, this Writ Petition.

The claim of the petitioner that he is the owner of the said land has to be asserted before the 4<sup>th</sup> respondent by way of explanation and merely because the 4<sup>th</sup> respondent has issued notice on the ground that the encroached land belongs to the Government, the jurisdiction of the 4<sup>th</sup> respondent cannot be denied. The petitioner has an adequate opportunity to submit his explanation and also proof of his ownership over the subject land, so that the 4<sup>th</sup> respondent will examine the said explanation and then take appropriate decision by passing a reasoned order.

I therefore do not propose to entertain the Writ Petition but the

petitioner has to submit his explanation, if not already submitted, within a period of one week from today and on receipt of the same, the 4<sup>th</sup> respondent shall consider the same in accordance with law and pass a reasoned order. It is also made clear that till the 4<sup>th</sup> respondent passes an appropriate order, he shall not be dispossessed nor meddled with the property covered by the said notice.

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.

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***VILAS V.AFZULPURKAR, J***

25.08.2015

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