

**THE HON'BLE SRI JUSTICE A.RAMALINGESWARA
RAO**

WRIT PETITION No. 35281 of 2015

ORDER:

One M/s Amar Society was the original owner of the land to an extent of 300 square yards. It was purchased by one Mr. Subba Raju, and the said Subba Raju sold it to K. Satyanarayana Raju and Aruna Raju and they in turn sold it to Mr. Sathiraju Venkateswarlu who obtained permission for construction of building vide proceedings dated 2.8.1999 and constructed a residential building. The constructed building was purchased by the petitioner and his wife under registered sale deed dated 7.3.2014.

The said Amar Society originally purchased an extent of Acs.15.23 guntas in Survey No.47, Guttala Begumpet Village, Madhapur, from the original land owners and after obtaining sanction from the Hyderabad Urban Development Authority, it prepared a layout and the plots are forming part of the sanctioned layout. Now, proceedings are issued by the Special Grade Deputy Collector – the second respondent, stating that the said constructions were within the FTL area of Durgam Cheruvu, which were marked by the Irrigation authorities at Madhapur and Guttala Begumpet Villages of Serilingampally Mandal, and it is stated that an extent of 300 square yards was covered in that area and the petitioner is asked to remove the constructions within

fifteen days. Challenging the same, the present Writ Petition is filed.

A reading of the impugned proceedings dated 26.09.2015 shows that it was issued under Section 7 of the Andhra Pradesh (Telangana Area) Irrigation Act, 1357 Fasli, and it is not a show cause notice, but a final order asking the petitioner to remove the alleged encroached area. When the petitioner had constructed the building after obtaining permission from the competent authority, no final order can be passed without issuing a show cause notice.

In the circumstances, the impugned proceedings dated 26.09.2015 are directed to be taken as show cause notice and liberty is given to the petitioner to submit explanation within a period of fifteen days from the date of receipt of a copy of this order and after receipt of the explanation, the second respondent shall pass appropriate orders in accordance with law. It is open to the petitioner to raise all contentions that are available in law.

The Writ Petition is, accordingly, disposed of. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA

RAO, J

Date: 29.10.2015

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