

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.41802 of 2015

-

ORDER:

Heard.

The petitioner states that apprehending unlawful dispossession, he has already approached the Junior Civil Judge, Mydukur, Y.S.R.District and filed O.S.No.128 of 2015 along with an application I.A.No.382 of 2015 for temporary injunction against the same respondents. However, the 2nd respondent is stated to have issued impugned notice under Section 7 of the A.P. Land Encroachment Act, 1905 (for short 'the Act') on 11-12-2015. In response thereto, the petitioner has already filed a detailed reply on 21-12-2015 and it is stated that no orders under Section 6 of the Act are passed so far. However, the 2nd respondent along with his staff is alleged to have threatened the petitioner for dispossession. Hence, the present writ petition is filed.

Even according to the petitioner, no orders under Section 6 of the Act are passed by the 2nd respondent so far. If that be so, until taking appropriate decision and passing appropriate orders by the 2nd respondent, after considering the explanation of the petitioner, the petitioner cannot be dispossessed. So far as the petitioner's claim in the civil suit is concerned, it is for the petitioner to agitate the said claim before the civil court.

The writ petition is, therefore, disposed of directing the 2nd respondent to examine the explanation submitted by the petitioner and take appropriate decision in pursuance of notice under Section 7 of the Act, referred to above. Till passing of appropriate orders, the 2nd respondent shall not interfere with the possession and enjoyment of the petitioner's land covered by the notice under Section 7 of the Act. No order as to costs.

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

VILAS V.AFZULPURKAR, J

Date: 23-12-2015

Prv

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.41802 of 2015

23-12-2015

Prv