

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.32842 of 2015

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ORDER:

Heard.

The petitioners claim that each one of them was granted Lavani Patta on 14-10-2002 for the land admeasuring Ac.0-38 gts., each in Sy.No.206 situated at Narasampally Village, Mulugu Mandal, Medak District. They claim that they have been issued pattadar passbooks and their names were also mutated in the revenue records. However, the petitioners were given a common show-cause notice under Section 7 of the A.P.Land Encroachment Act, 1905 (for short 'the Act') by the 4th respondent vide Notice No.B/3356/2014, dated 22-07-2015. The petitioners have already submitted their explanation on 03-08-2015 enclosing necessary documents.

The grievance of the petitioners is that in spite of grant of patta, the proceedings under the Act cannot be issued by the 4th respondent for the very same land and alleging that they are likely to be dispossessed, the present writ petition is filed.

In view of the explanation already filed by the petitioners, in response to the impugned show-cause notice, the 4th respondent is required to consider the said explanation, verify the revenue records and then take appropriate decision in accordance with law. Obviously, till an appropriate decision is taken by the 4th respondent, the petitioners cannot be dispossessed from the land in question. However, there is no need to interfere with the impugned order passed by the 4th respondent, as the 4th respondent is empowered to decide the contentions raised by the petitioner in their explanation that they are original assignees and not encroachers. Further, the orders to be passed by the 4th respondent would depend upon the adjudication in that respect.

Hence, the writ petition is disposed of directing the 4th respondent to consider

the petitioners' explanation, in the light of the observations above, and take appropriate decision in accordance with law. Till such decision is taken by the 4th respondent, the petitioners shall not be dispossessed from the land in question.

Accordingly, the writ petition is disposed of. No order as to costs.

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

VILAS V.AFZULPURKAR, J

Date: 07-10-2015

Note:

Issue C.C. in two days

(B/o)

Prv

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