

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.30350 of 2015

ORDER:

The petitioner states that he has occupied the Government land admeasuring Ac.2-10 cents in R.S.Nos.175/4, 176/7 and 176/8 situated at Kopalle Village, Kalla Mandal, West Godavari District. He also states that in the year 2007, he was given notice under Section 7 of the Land Encroachment Act, 1905 (for short 'the Act'). At that time, it is stated that one Pedchetti Krishna Murthy filed W.P.No.13182 of 2007 alleging that he is the assignee of the very same land, which is in occupation of the petitioner. In the said writ petition, though initially stay was granted, the same was later vacated vide W.V.M.P.No.2002 of 2008 by order, dated 09-08-2010 on the specific contention of the respondents therein that the petitioner is in possession of said land and that no land was assigned to the said Pedchetti Krishna Murthy. The petitioner states that he had already submitted reply to the notice issued under Section 7 of the Act, but no orders are passed under Section 6 of the Act. However, he has filed the present writ petition alleging that he is likely to be evicted by the 3rd respondent, though no orders are passed under Section 6 of the Act.

Heard the learned Government Pleader for Revenue.

It is difficult to accept that no orders are passed under Section 6 of the Act, even after lapse of seven years, so as to entertain the present writ petition. However, since the petitioner asserts that he continues to be in possession, the 3rd respondent shall verify the same and if no order is passed under Section 6 of the Act, in pursuance of notice under Section 7 of the Act, referred to above, the petitioner shall not be dispossessed from the land in question except after passing order under Section 6 of the Act and communicating the same to the petitioner.

Accordingly, the writ petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 18-09-2015

Prv

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