

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.29011 of 2015

ORDER

Petitioner is in possession of land admeasuring Ac.0.20 guntas in Sy.No.65 of Kommepally Village, Devarakonda Mandal, Nalgonda District. She succeeded the said land after demise of her husband. On 17.01.2008, the 3rd respondent issued notice under Section 7 of the Land Encroachment Act, 1905, whereupon the petitioner approached the 3rd respondent requesting him to consider her case for grant of pattadar pass book. But, so far, no action has been taken. Subsequently, on 2.9.2015, the petitioner found that the 3rd respondent erected a banner in her land proclaiming that the land belongs to the Government. Hence, the present writ petition has been filed.

On 8.9.2015, while issuing notice before admission, this Court passed the following order:

“The petitioner claims herself to be in possession of land to an extent of Ac.0.20 guntas in Survey No.65 and also an extent of Ac.1.05 guntas in Sy.No.77 situated at Kommepally Village, Devarakonda Mandal, Nalgonda District. He made a representation dated 18.12.2007 to the 2nd respondent seeking issuance of patta in respect of the said land. In the year 2008, a notice under Section 7 of the Land Encroachment Act (for short ‘the Act’) was issued, to which, the petitioner responded, but no order is passed till date. In the year 2012, the authorities recommended the petitioner for assignment of land admeasuring Ac.1.05 guntas in S.No.77. While things stood thus, the respondents started interfering with the possession of the petitioner over the land and also got erected a banner in the land. Apprehending dispossession, the present writ petition is filed.

Since a prima facie case showing the petitioner in possession of the land is made out and as no order is passed in the

proceedings initiated under Section 7 of the Act, the petitioner shall not be dispossessed from the land for a period of eight (8) weeks from today.”

Learned Government Pleader, on instructions, submits that no doubt, notice under Section 7 of the Act was issued earlier in 2008 and no further proceedings were taken up. He further submits that if the respondent authorities intend to take any action, they will follow the due process of law.

In the circumstances, the Writ Petition is disposed of directing the 3rd respondent, in particular, not to interfere or otherwise dispossess the petitioner from the lands referred to above except after issuing a notice or giving an opportunity to submit her explanation, in accordance with law. No costs.

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

JUSTICE VILAS V.AFZULPURKAR

6th November, 2015

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