

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.7303 OF 2012

ORDER :

Heard counsel for the petitioners and the Government Pleader for Revenue appearing for respondents.

2. Petitioners claim to be the purchasers of lands under registered sale deeds. They contend that 3rd respondent issued two separate notices vide B/78/2012 dt.24.1.2012 and B/784/2011 dt.5.08.2011 under Section 7 of the A.P. Land Encroachment Act, 1905 (for short 'the Act') claiming that the lands in their occupation are government lands and have been encroached by the petitioners; and without passing any order and without providing any opportunity to submit any reply, the 3rd respondent demolished a portion of the compound wall erected by the petitioners. Petitioners therefore seek a direction to the respondents not to dispossess them from the subject properties in their occupation without following due process of law.

3. The Government Pleader for Revenue appearing for respondents states that the respondents will consider the explanation given by the petitioners to the show cause notices issued to them and will then pass a reasoned order and till then no action for demolishing the structures erected by the petitioners or interfering with the petitioners' peaceful possession and enjoyment of the subject lands will be taken.

4. In view of the said submission, this Writ Petition is disposed of directing the petitioners to submit any additional explanation or additional documents, to the show cause notices issued to them under Section 7 of the Act, to the 3rd respondent, in addition to the explanation already given to him, within four (04) weeks from the date of receipt of a copy of this order; after expiry of the said period, the 3rd respondent is directed to consider the explanation submitted by the petitioners and pass a reasoned order and communicate the same to the petitioners. Till this exercise is completed, the respondents are directed not to demolish the structures erected by the petitioners or interfere with the possession of the lands claimed by them. There shall be no order as to costs.

5. Consequently, miscellaneous petitions pending if any, shall stand closed.

M.S. RAMACHANDRA RAO, J

14th June, 2016
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