

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.35664 OF 2016

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing for respondents. With consent of the counsel appearing for both sides, the present writ petition is disposed of at the admission stage.

2. The present writ petition came to be filed with the following prayer:

“to issue writ or direction preferably Writ of Mandamus declaring the notice vide R.C.No.B/SPL/2016 dated 29.09.2016 issued by respondent No.4 under Section 7 of Land Encroachment Act, 1905, despite pendency of application dated 07.09.2016 of the petitioner for survey and demarcation of land in Sy.No.368/86 and 368/87 as illegal, arbitrary, and violative of principles of natural justice and consequently set aside the said notice and further direct respondent No.4 to conduct survey of said land as per the application dated 07.09.2016 submitted by the petitioner.”

3. A perusal of the material placed before this Court would show that on 29.09.2016 respondent No.4- the Tahsildar, Burgampahad, issued a notice under Section 7 of the Madras Act – 3 of 1905 in respect of the land admeasuring A.0.27 Gts., situated in Sy.No.368/88. The petitioner is said to have given a reply to the said notice, which is still pending consideration. The record further

shows that on 07.09.2016 the petitioner applied for survey through A.P. Online vide receipt No.TB 0435419 and also paid necessary fee for demarcation of his land. It appears that without conducting any survey, the impugned notice came to be issued.

4. Since there is a dispute with regard to boundaries, the respondents shall not initiate proceedings under Section 7 of the Land Encroachment Act, 1905, till the completion of the survey. It is made clear that in any event, survey shall be completed as early as possible, preferably within a period of six (06) weeks from the date of receipt of a copy of this order. Till such time, respondents shall not take any coercive steps of dispossessing the petitioner from the land in question pursuant to the said notice.

5. Accordingly, the Writ Petition is disposed of.

Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

Date:24.10.2016
INL