

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.65 of 2016

ORDER:

Heard.

The petitioner was given notice under Section 7 of the A.P. Land Encroachment Act, 1905 bearing Rc.No.B/81/2015, dated 20-08-2015, alleging that he has occupied the land admeasuring Ac.2-00 cents in Sy.No.1247 situated at Pamidi Village and Mandal, Anantapur District. The petitioner gave reply on 24-08-2015 alleging that he was granted patta for the said land on 05-09-2011 and thereafter, no orders have been passed in pursuance of the said notice, dated 20-08-2015. However, on 20-11-2015, the petitioner was given one more notice by the 4th respondent requiring him to appear before him and participate in the meeting convened with all the occupants of Penna River. The petitioner stated to have participated in the said meeting. However, the present writ petition is filed alleging that even before passing appropriate orders, the 4th respondent is treating the petitioner as an encroacher and trying to take possession of the petitioner's land including standing crops therein.

Prima facie, since the allegation against the petitioner is that he has occupied part of the Penna River, I do not see any infirmity in the said notice issued to the petitioner under Section 7 of the Act. However, since the petitioner has already given explanation as stated above, the 4th respondent is free to pass appropriate orders and only thereafter take further necessary steps as required under law and not before passing appropriate orders.

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

Miscellaneous petitions, if any, pending shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 05-01-2016

Prv

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Prv