

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.23398 OF 2016

ORDER:

Heard.

2. This Writ Petition is filed challenging notice, dated 13.06.2016 issued by the fourth respondent—Tahsildar, Malkajgiri Mandal, Ranga Reddy District under Section 7 of the Andhra Pradesh Land Encroachment Act III of 1905 (for short 'the Act') to the petitioner stating that he has encroached land to an extent of Ac.5-13 guntas in Survey No.5 situated at Dammaiguda Village, Malkajgiri Mandal, Ranga Reddy District.

3. It is the case of the petitioner that the mother of the petitioner N.Shakuntala was the absolute owner and possessor of the land to an extent of 527.5 square yards in Survey No.535 part with house bearing No.6-44/2/15 on Plot Nos.14 and 15 situated at Old Alwal Village, Alwal Municipality, Malkajgiri Mandal, Ranga Reddy District, having purchased the same from one Anasuya Bai. While so, the fourth respondent issued notice dated 25.07.2013 under Section 7 of the Act, for which she submitted a reply and 07.08.2013 and thereafter orders under Section 6 have been passed. Aggrieved by the same, she filed appeal before the Revenue Divisional Officer, Malkajgiri Mandal and the same is pending. While the matter stood thus, the fourth respondent issued the impugned notice to the petitioner calling upon the petitioner to appear on or before 08.07.2016, for which the petitioner submitted reply on 14.07.2016.

4. Apparently, appeal filed by the mother of the petitioner

questioning the notice issued by the Tahsildar is pending before the Revenue Divisional Officer. Yet again, the fourth respondent issued the impugned notice in respect of the very same property to the petitioner.

5. Having regard to the facts and circumstances of the case,

this Court deems it appropriate to direct the fourth respondent to hold a preliminary enquiry with regard to the occupation of the petitioner over the land, in question, and if he finds that the petitioner is in illegal occupation of the same, he can initiate appropriate proceedings under the relevant enactment.

Subject to the above, the Writ Petition is allowed and the notice dated 13.06.2016 is quashed. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

JUSTICE CHALLA KODANDA RAM

August 8, 2016
LMV