

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No. 34838 of 2016

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Revenue.

2. With the consent of both the parties, the Writ Petition is disposed of at the admission stage.

3. The present Writ Petition came to be filed with the following prayer:

‘For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the third respondent in issuing impugned notice dated 23.09.2016 without contesting O.S.No.30 of 2012 and trying to dispossess the petitioner’s property admeasuring Ac.0.18 cents situated at Dondapadu Village of Pedavegi Mandal covered by RS No.54 surrounded by Vanguru Road and Chintalapudi Road on East and South sides, by Bodi on both West and North sides as illegal and arbitrary and set aside the same and consequently direct the respondents to contest/defend O.S.No.30 of 2012 by filing appeal as per law and to pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case”.

4. It is to be noted earlier the petitioner filed W.P.No. 27179 of 2015, challenging the notice issued under Section 7 of the Andhra Pradesh Act, 1905. By an order dated 26.08.2015, this Court passed the following order:

“In terms of the liberty granted while passing interim order in W.P.No.18083 of 2015, dated 29.06.2015, the 4th respondent has issued notice to the petitioner under Section 7 of the Andhra Pradesh Land Encroachment Act on 14.08.2015, to which the petitioner has given detailed explanation including placing reliance upon a decree obtained by her in O.S.No.30 of 2012 on the file of the Principal Junior Civil Judge, Eluru, dated 30.10.2012. the same order was also referred to in the interim order by this Court in the earlier writ petition, referred to above. It is, therefore, for the 4th respondent to consider the petitioner’s explanation and pass a reasoned order in accordance with law.”

Thereafter, the Revenue Divisional Officer, Eluru, issued notice on the petition filed by Sri V.N.N.Satyanarayana, requesting eviction of illegal encroachments on road margins situated in R.S.No.54 near Vanguru cross road of Dondapadu Village of Pedavegi Mandal. The petitioner herein was directed to appear before the RDO, Eluru, on 01.10.2016 at 11.00 a.m. Challenging issuance of the said notice, the present Writ Petition is filed.

5. It is argued that instead of contesting the suit, the action of RDO in issuance of notice is illegal and arbitrary. If really, the grievance of the petitioner is with regard to RDO issuing notice, she can appear before the RDO and give suitable explanation to the notice issued instead of questioning the issuance of notice. At

this stage the learned counsel for the petitioner submits that such an opportunity may be given to the petitioner.

6. In view of the above, the petitioner shall give an explanation to the notice issued, in which event the RDO shall hear all the parties including the petitioner and pass orders in accordance with law, if not already passed, as early as possible, preferably within a period of six weeks from the date of receipt of a copy of this order.

7. With the above direction, the writ petition is disposed of.

8. Miscellaneous petitions, pending if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE C.PRAVEEN KUMAR

18.10.2016,
vnb

