

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.8736 of 2016

ORDER:

Petitioner has questioned notice under Section 7 of the A.P. Land Encroachment Act, 1905 (for short 'the Act') issued to the petitioner on 07.02.2016 alleging that the petitioner had encroached certain Government land.

2. Petitioner contends that certain land has been allotted to the petitioner along with others on 12.05.1987 under Board Standing Order 19-B paragraph 2, for planting trees in Government Porambokes and therefore he cannot be termed as encroacher.

3. Counsel for the petitioner contends that the petitioner attempted to submit explanation to the above show cause notice but the 3rd respondent is refusing to receive it.

4. The Government Pleader for Revenue appearing for the respondents states that the 3rd respondent will receive the explanation submitted by the petitioner and consider the same in accordance with law and communicate his decision thereon to the petitioner.

5. In view of the said submission, the Writ Petition is disposed of directing the 3rd respondent to receive the explanation submitted by the petitioner to the show cause notice dt.07.02.2016, if the same is submitted within two (02) weeks from the date of receipt of a copy of this order; consider the same in accordance with law and pass orders under Section 6 of the Act within four (04) weeks from the date of receipt of such explanation. If the petitioner does not submit any explanation within the time

fixed above, it is open to the 3rd respondent to pass final order pursuant to the above notice. Till such a final order is passed by the 3rd respondent, petitioner shall not be dispossessed from the subject land. There shall be no order as to costs.

6. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

M.S.RAMACHANDRA RAO, J

17th March, 2016

Note: Issue C.C. in two days.

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