

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.33261 OF 2016

ORDER :

This writ petition is filed challenging the proceedings No.B/95/2013, dated 14.09.2016 issued by the 5th respondent in pursuant to remand order passed by the Joint Collector-3rd respondent vide proceedings in file No.E4/1106/13, dated 31.10.2015 under the provisions of the Land Encroachment Act, 1905 (for short 'the Act'). It is stated that though the impugned proceedings styled as show-cause notice, the 5th respondent-Tahsildar has already come to the conclusion. Aggrieved by the same, present writ petition is filed.

Heard Sri P.Sri Raghuram, learned Senior Counsel for the petitioner, who submits that though the impugned proceedings styled as 'show-cause notice', the 5th respondent-Tahsildar has already come to the conclusion. He further submits that no fresh notice is issued under Section 7 of the Act in pursuant to remand orders dated 31.10.2015 passed by the Joint Collector-3rd respondent. He would further contend that since the 5th respondent has already come to the conclusion on the documents filed by the petitioner, no useful purpose will be served in producing any documents before the 5th respondent.

A perusal of the impugned show-cause notice dated 14.09.2016 goes to show that in pursuant to remand order dated 31.10.2015 passed by the Joint Collector-3rd respondent, the 5th respondent came to the conclusion that the documents filed by

the petitioner are not sufficient and petitioner was again asked to explain and file documents to prove their claim over the subject land. Though it is stated that the petitioner has filed all the documents, it is for the 5th respondent to consider in terms of the remand order passed by the Joint Collector on 31.10.2015. In fact, by virtue of the impugned notice dated 14.09.2016, the petitioner was given one more opportunity to file the documents. The petitioner also filed the documents along with explanation on 20.09.2016. Having filed documents and explanation on 20.09.2016, the petitioner again filed the present writ petition.

Normally this Court will not interfere with the issuance of show-cause notice unless it is without jurisdiction. In the instant case, this writ petition is filed only on more apprehension. Hence, I am not inclined to entertain the same. Since, it is stated that petitioner has already filed explanation to the impugned show-cause notice on 20.09.2016, the 5th respondent shall proceed further in terms of the remand order dated 31.10.2015 passed by the Joint Collector-3rd respondent after issuing notice to the petitioner.

Accordingly, this writ petition is dismissed. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in this writ petition, shall stand dismissed.

A.RAJASHEKER REDDY, J

28.09.2016

Note: Issue CC by tomorrow.

B/o. kvs

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

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Date: 28.09.2016

kvs

