

THE HONOURABLE SRI JUSTICE A. RAJASHEKER REDDY

W.P.No.30117 of 2011

ORDER

This writ petition is filed seeking to declare the proceedings No.1/1421 dated 06.11.2011 and 07.11.2011 issued by the second respondent asking the petitioner to vacate the cattle shed situated in the land admeasuring Ac.0.02 cents in Sy.No.208 of Kukatpalli Village, as illegal, arbitrary and violative of principles of natural justice and provisions of Andhra Pradesh Land Encroachment Act, 1905.

2. Sri Sita Ram Chaparla, learned counsel for the petitioner, submits that impugned notices under Sections 7 and 6 of Andhra Pradesh Land Encroachment Act, 1905, were issued on 06.11.2011 and 07.11.2011 respectively, without giving any opportunity to the petitioner. He further submits that as it is mentioned in the said notices that the subject land as Gramakantam land, which is a private land, the second respondent has no jurisdiction to issue the said notices. He also submits that a civil suit is pending between the petitioner and the third parties with regard to the subject land.

3. On the other hand, learned Assistant Government Pleader for Revenue, basing on the averments in the counter affidavit, submits that the Panchayat Raj Department is now competent to take further steps with regard to eviction of the subject land and the matter is also pending before the civil Court.

4. In view of the above circumstances that the Panchayat Raj Department is now competent to take steps in respect of the

subject land, this Court is of the view that the impugned notices issued by the second respondent are liable to be set aside and are accordingly set aside. However, it is open to the competent authority to take appropriate action in accordance with law after giving an opportunity to the parties concerned.

5. Accordingly, the Writ Petition is disposed of. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

A. RAJASHEKER REDDY, J.

19th February, 2016
sj