

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.5704 of 2016

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ORDER:

Heard.

The petitioner states that he purchased the land admeasuring 252 sq. yards in Sy.Nos.69 and 70 situated at Gachibowli Village, Serilingampally Mandal, Ranga Reddy District and he questions the impugned notice issued by the 2nd respondent under Section 7 of the A.P.Land Encroachment Act, 1905 (Ex.P-1), dated 21-01-2016. The said notice alleges that the land admeasuring Ac.522-15 gts., in Sy.No.91 is a Government land and the petitioner has occupied 200 sq. yards thereof and raised construction. The petitioner states that he has already obtained requisite permission and taken up construction and the land in his possession does not form part of Sy.No.91. The petitioner has also given reply under Ex.P-2, dated 30-01-2016. The said impugned notice is questioned on the ground that it is vague.

I am unable to see any vagueness, as it is not in dispute that the land in Sy.No.91 is a Government land and if there is any encroachment of the Government land, as prima facie, found by the 2nd respondent, he is entitled to issue notice under Section 7 of the Act. Therefore, there is no reason to entertain the writ petition against the said show-cause notice. Secondly, the petitioner has already filed his reply and now he seeks to file additional reply and he can do so within a week from today. The 2nd respondent shall consider the reply filed by the petitioner and the additional reply, if any, as permitted by this order and pass an appropriate reasoned order after duly considering the same. Till the 2nd respondent passes appropriate orders, the petitioner shall not be dispossessed from the land covered by the said notice.

Accordingly, the writ petition is disposed of. No order as to costs.

The miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 23-02-2016

Prv

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

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Prv