

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.No.19565 OF 2016

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ORDER:
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The case of the petitioner is that he is owner and possessor of the building bearing no.6-1175, situated in Sy.No.301/1 in Jaggayyapet, Krishna district. That the petitioner constructed the said building in the year 1988 after obtaining building permission from the 5th respondent and residing therein. While the matters stood thus, the 2nd respondent-Tahsildar, Jaggayyapet, issued notice dated 15-07-2015 under Section 7 of the Madras Act, 1905, on the ground that the subject land in question has been encroached by the petitioner.

The petitioner submitted his explanation on 4-08-2015 categorically stating that he has not encroached any land, muchless the land shown in the noticed dated 15-07-2015. The grievance of the petitioner is that in spite of submitting his explanation, the officials of the 3rd respondent came to his house and made markings on the wall stating that they would demolish the house to the extent of the marked portion. Hence, this writ petition.

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

3 . *Prima facie*, the case of the petitioner is that he is absolute owner and possessor of the land in question and he has also constructed a building in the year 1988 after obtaining permission from the 5th respondent. Hence, issuance of notice under Section 7 of the Madras Act, 1905 on the purported ground that he is an encroacher is not in accordance with law. In any case, since the petitioner has submitted his explanation on 04-08-2015 to the notice dated 15-07-2015 issued by the 2nd respondent-Tahsildar, Jaggayyapet, the writ petition is disposed of directing the 2nd respondent to consider the explanation submitted by the petitioner and pass appropriate orders thereon, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. Till then, status-quo shall be maintained. As a sequel thereto, miscellaneous petitions, if any, pending in this writ petition, shall also stand disposed of. There shall be no order as to costs.

Dated: 21-06-2016
NRG

A.RAJASHEKER REDDY, J

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

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