

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.26647 of 2011

ORDER:

Heard Smt. B. Geetanjali Devi for petitioner; Assistant Government Pleader for respondents 1 to 5 and Mr. Sridhar for respondents 6 to 8.

2. Petitioner challenges notice dated 27.08.2011 issued by the fifth respondent under Section 7 of the Land Encroachment Act, 1905 (for short 'the Act'). Petitioner raises a few objections on the very basis to issue the impugned notice, however, this Court is of the view that the circumstances stated in the affidavit need not be gone into, as the challenge in the instant writ petition is against show cause notice issued Section 7 of the Act. The circumstances, on which the petitioner intends to rely upon can be gone into by fifth respondent in the enquiry contemplated under Section 7 of the Act. This Court is not, firstly, inclined to entertain the writ petition against the show cause notice and secondly, express any view on the circumstances pleaded by the petitioner.

3. Counsel for petitioner requests time to file explanation to the show cause notice before the fifth respondent and further requests for protection of petitioner's possession of petition schedule land pending enquiry by fifth respondent. Counsel for respondents does not oppose the request. Hence, I am satisfied the writ petition can be disposed of by this order.

4. Petitioner is given four (4) weeks time from the date of receipt of a copy of this order to file explanation/reply to the show cause notice impugned in the writ petition. The fifth respondent is directed to conduct enquiry in accordance with law and communicate orders within a further period of three (3) months from the date of filing of explanation. Till a decision is taken and communicated to petitioner, status quo order dated 22.09.2011 is directed to be maintained by both parties.

The writ petition is disposed of accordingly . As a sequel,
the miscellaneous applications, if any pending, shall stand closed. There
shall be no order as to costs.

S. V. BHATT, J

August 16, 2016
DSK