

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.38175 of 2016

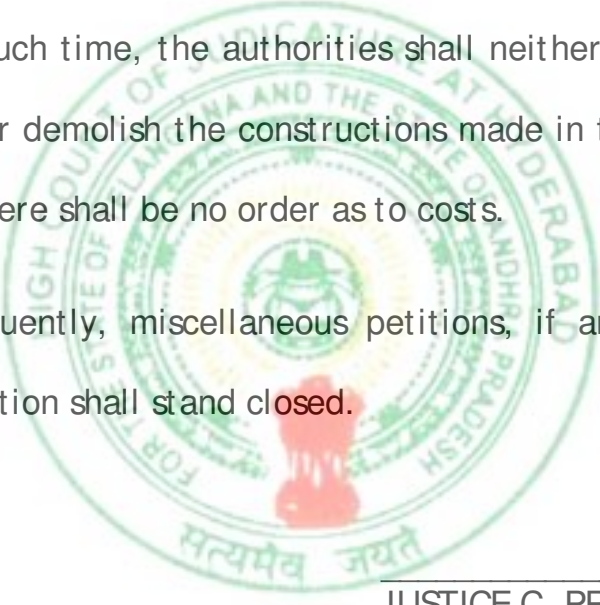
ORDER:

- 1) Heard learned counsel for the petitioner and Government Pleader for revenue. With the consent of both the parties, the writ petition is taken up for disposal at the admission stage itself.
- 2) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of respondent No.4 in trying to interfere with the petitioner's shopping complex ie. Gogula Sriramulu Naidu Commercial Complex bearing D.No.33-28 to 33-35 and 34-1 to 34-8 in Sy.No.258 situated at Kothuru Village and Mandal, Srikakulam District on the basis of notice issued under Section 7 of Andhra Pradesh Land Encroachment Act, 1905, as illegal, arbitrary and violative of principles of natural justice; and consequently to direct respondent No.4 not to interfere with the possession and enjoyment of the petitioner over the said shopping complex.
- 3) Learned counsel for the petitioner submits that pursuant to a notice under Section 7 of the Andhra Pradesh Land Encroachment Act, 1905, the petitioner submitted an explanation on 05.11.2016. It is said that without passing orders on the explanation, the authorities are now trying to demolish or dispossess the petitioner from the property in question.

4) Government Pleader for Revenue submits that no action would be taken till the orders are passed on the explanation, if any, made by the petitioner. At this stage, the counsel for the petitioner submits that explanation was already submitted on 05.11.2016.

5) Having regard to the above, the writ petition is disposed of directing respondent No.4 to pass orders on the explanation submitted by the petitioner, in accordance with law, within a period of four weeks from the date of receipt of a copy of the order. Till such time, the authorities shall neither dispossess the petitioner nor demolish the constructions made in the property in question. There shall be no order as to costs.

6) Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.



JUSTICE C. PRAVEEN KUMAR

07.11.2016
gkv