

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.34934 OF 2016

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue. With consent of the counsel appearing for both sides, the present writ petition is disposed of at the admission stage.

2. The present writ petition came to be filed with the following prayer:

“to issue an appropriate Writ, Order or Direction, more particularly one in the nature of *Writ of Mandamus*, declaring the action of 3rd respondents in directing the petitioner to evict from the land to an extent of Ac.0.05 cents in Sy.No.273/2 of Pedda Upparapalle Revenue Village, Somaqla Mandal, Chittoor District, without passing the orders on the Notice Roc.No.A/296/2016 dated 26.09.2016 as illegal, improper, unjust and contrary to order in W.P.No.6420 of 2000 dated 13.07.2007 and consequently, direct the 3rd respondent not to evict the petitioner from the said land.”

3. A perusal of the material on record would show that earlier, the petitioner approached this Court by way of filing W.P.No.6420 of 2000 questioning the action of the respondents therein in dispossessing the petitioner from the land admeasuring Ac.0.05 cents in Sy.No.273/2 of Pedda Upparapalle Revenue Village, Somala Mandal, Chittoor District, contrary to the decision in O.S.No.434 of 1986 on the file of the Principal District Munsif, Punganur. By an order dated 13.07.2007 this

Court allowed the writ petition and directed the respondents therein not to interfere with the petitioner's peaceful possession and enjoyment of the land in question, without following due process of law. Subsequently, in the month of September, 2016, a notice under Section 7 of the Andhra Pradesh Encroachment Act, 1905 came to be issued, to which the petitioner is said to have submitted an explanation on 27.09.2016. It is urged that even without considering the explanation submitted in reply to the notice given, the authorities have been trying to evict the petitioner.

4. Learned Government Pleader for Revenue, however, states that no action would be taken till passing of orders basing on the explanation submitted by the petitioner.

5. Having regard to the submission made across the bar, the Writ Petition is disposed of directing the 3rd respondent not to dispossess the petitioner from the land, which is subject matter of the dispute in the present writ petition, till passing of orders on the explanation submitted by the petitioner on 27.09.2016 pursuant to the notice issued by the 3rd respondent.

Consequently, Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

Date: 18.10.2016

Note: Furnish CC within two (02) days.

(B/O)

INL