

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No. 4874 of 2016

ORDER:-

Heard.

2. Petitioner questions the notice issued under Section 7 of the Andhra Pradesh Land Encroachment Act, 1905 in Rc.No.B/1132/2016 dated 02.02.2016. The primary contention raised by the petitioner is that the said notice called upon the petitioner on 09.02.2016 to show cause by submitting the reply to the notice. Petitioner states that he received the said notice only on 11.02.2016 after the date fixed in the notice. It is, however, stated that he filed a brief explanation on 12.02.2016 pointing out that the petitioner is concerned with the lands in Survey Nos.404 and 402 and not in Survey No.405 of Palavancha Village, which is mentioned in the impugned notice and denies any encroachment in S.No.405. Petitioner also relies upon similar notice relating to Survey No.405 of the said Village, which was considered by this Court in W.P.No.3460 of 2016 and disposed of on 05.02.2016, which also relates to the same Survey No.405 of the said village.

3. I do not see any reason to entertain the writ petition as petitioner had already submitted a brief explanation and can as well submit a detailed explanation if he so desires within two weeks from today. Since the primary stand of the petitioner is that he is not concerned with Survey No.405 but owns land in Survey Nos.404 and 402, the first respondent can as well examine petitioner's explanation and then take appropriate decision. Similar direction was also given in W.P.No.3460 of 2016, referred to above.

4. In view of that, the interference of the impugned notice is not called for. Petitioner is however granted two weeks time from today to file further explanation, if any, and the first respondent is directed to consider the explanation of the petitioner and take appropriate decision in the matter in accordance with law. Till passing of the appropriate orders, the respondents shall not interfere with petitioner's lands in Survey No.405.

With the above direction, writ petition is disposed of.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

February 16, 2016
LMV