

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION NO. 21760 OF 2007

ORDER:

Heard learned counsel for the petitioners, learned Government Pleader for Revenue for respondent No.1 and Sri Kowturu Pavan Kumar for respondent No. 2.

2. The writ petition is filed challenging the notice in R.C.No.B559/2007, dated 27.08.2007, issued by respondent No.1 alleging that respondent No.2 had given a complaint to respondent No.1 to remove certain huts erected by the petitioners in the land claimed by respondent No.2 and to come forward and produce documents in support of the right of the petitioners to be in possession of the land in dispute.

3. Learned counsel for the petitioners contends that respondent No.1 has no jurisdiction to intervene in the *interse* dispute between the petitioners and respondent No.2; and that since the second respondent is claiming the land in the occupation of the petitioners, respondent No.2 had to avail other remedies open to him and cannot take recourse to respondent No.1 and respondent No.1, without showing any jurisdiction to issue impugned notice, cannot ask the petitioners to produce any documents.

4. Learned Government Pleader for Revenue appearing for respondent No.1 has not pointed out any provision of law empowering respondent No.1 to issue the impugned notice particularly when the impugned notice mentions that the petitioners are alleged to be in occupation of the land belonging to respondent No.2.

5. Learned counsel for respondent No.2 is also unable to point out any provision of law empowering respondent No.1 to issue notice impugned herein. Therefore, it has to be held that the impugned show cause notice dated 27.08.2007 issued by respondent No.1 is without any jurisdiction and respondent No.1 has no jurisdiction to intervene in a private dispute between the petitioners and respondent No.2.

6. Accordingly, the Writ Petition is allowed and the impugned show cause notice dated 27.08.2007 is set aside. Respondent No.2 is permitted to avail the civil remedies available to him against the petitioners, if he is so advised. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, pending if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 01.02.2017
vhb