

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.5784 OF 2017

ORDER:

This writ petition is filed challenging the proceedings dated 13.02.2017 issued by the 3rd respondent under Section 7 of the A.P.Land Encroachment Act, 1905 (for short 'the Act').

Learned counsel for the petitioner submits that petitioner was granted house patta dated 03.08.2007 and petitioner has constructed a house therein. He further submits that when patta is granted to the petitioner, the Act does not apply.

On the other hand, the learned Assistant Government Pleader for Revenue submits that it is only show cause notice and petitioner can submit explanation to the same.

It is to be seen that the patta filed by the petitioner does not show the plot number.

Normally, this Court does not interfere with the show cause notice. If petitioner is granted any patta, petitioner shall produce the same along with the explanation. Instead of that, he straight away filed the writ petition.

In view of the above facts and circumstances, it is open for the petitioner to file explanation to the show cause notice dated 13.02.2017 within a period of four weeks from today along with necessary documents. On filing of such explanation by the petitioner, it is for the 3rd respondent to consider the same and pass orders after giving opportunity of hearing to the petitioner. Till then status-quo obtaining as on today shall be maintained in respect of the subject property. If petitioner does not file explanation within

the aforesaid period, it is open for the respondent authorities to take appropriate action in accordance with law.

With the above direction, the writ petition is disposed of. There shall be no order as to costs. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

10.02.2017

Note:

Issue CC in 2 days

(B/o) dv

