

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.13218 of 2013

ORDER:

The petitioner filed W.P.No.11576 of 2012 challenging the proceedings issued under Section 6 of the A.P.Land Encroachment Act, 1905. On 23-04-2012, this Court directed the respondents therein not to dispossess the petitioner from the property covered by proceedings dated 09-03-2012. While the matter stood thus, the 3rd respondent issued notice under Section 3 of the A.P.Assigned Lands (Prohibition of Transfers) Rules, 1977 (for short 'the Rules'). The petitioner contends that the proceedings under the Land Encroachment Act cannot and could not be proceeded with for the 3rd respondent after considering the case of petitioner has chosen to issue notice under the Rules.

As regards notice is concerned, Mr.Ch.Janardhan Reddy by referring to a few documents contends that the notice issued under Rules is illegal and without jurisdiction.

Learned Assistant Government Pleader contends that by taking note of the allegations in the writ affidavit, this Court cannot pronounce on the legality or otherwise of notice under challenge and the petitioner may be relegated to submit explanation and the 3rd respondent is under obligation to consider each one of the objections, legal implication of the objections, if necessary conduct enquiry, and pass orders on the notice.

The submission of Assistant Government Pleader is in line with the scheme of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act') or the Rules. Hence, I am satisfied the writ petition can be disposed of by this order.

The petitioner is given four weeks time from the date of receipt of a copy of this order to submit explanation by enclosing a copy of this order along with the documents on which the petitioner is relying upon. Thereafter, as borne out by record, the 2nd respondent conducts and completes the enquiry, communicates the order to petitioner. The parties are directed to maintain *status-quo* as regards possession and physical features of subject matter till a decision is taken and communicated in this behalf.

The writ petition is disposed of accordingly. No order as to costs.

In view of disposal of W.P.No.13218 of 2013, the Registry is directed to post W.P.No.11576 of 2012 after taking orders of the Hon'ble the Acting Chief Justice.

S. V. BHATT, J

Dt: 19-06-2017
Prv

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