

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.25440 of 2017

ORDER:

Petitioner claims to be owner and in possession of land admeasuring Acs.2.15 guntas in Survey No.80 of Pandurangapuram Village, Palvanha Mandal, Bhadradri Kothagudem District. He claims that he inherited the said property from his father, by name, P. Laxmaiah, who was granted final patta certificate in respect thereof. After the death of his father, he has been in possession and enjoyment of the said property. While so, alleging that forcibly, petitioner is sought to be evicted from the said property, this writ petition is filed.

Learned Government Pleader produced before this Court a copy of proceedings of Tahsildar dated 20.07.2017. It was an order passed under Section 7 of the Andhra Pradesh Land Encroachment Act, 1905 (for short 'the Act'). This order was preceded by a notice, dated 03.07.2017 under Section 6 of the Act. Copies of the same were furnished to learned counsel for petitioner.

Learned counsel for petitioner submits that in the said notice, name mentioned is P. Yellaiah and a copy was also served on Yellaiah and contended that no such notice was served on petitioner.

Since there is no other material to show that petitioner was served with notice, this Court is inclined to dispose of writ petition by treating notice, dated 03.07.2017 and order, dated 26.07.2017 as cumulatively a notice under Section 6 of the Act as served on petitioner and petitioner is granted liberty to respond to it with all supporting documents as sought to be contended. If any such explanation is filed by petitioner, same shall be examined having regard to the material placed before Tahsildar and on verification of records concerning the subject property.

Petitioner is granted two weeks' time from today to submit explanation and if any such explanation is filed within time granted, it is open to respondent No.4 to consider the same and take appropriate action within a period of two weeks thereafter, as warranted by law. However, possession of petitioner shall not be disturbed till final decision is taken by Tahsildar.

Writ Petition is accordingly disposed of.

Pending miscellaneous applications, if any, shall stand disposed of in consequence.

P. NAVEEN RAO, J

11th SEPTEMBER, 2017.

Note: issue c.c. in two days.

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