

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.31451 of 2017

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing for the respondents. With their consent, the Writ Petition is disposed of at the stage of admission itself.

2. This Writ Petition, under Article 226 of the Constitution of India, is filed with the following prayer:

“...to issue Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 4th respondent in issuing the impugned notice dated 08.09.2017 under Section 7 of the 3rd Act of the Madras Act 1905 in Sy.No.629/1 to an extent of Ac.2.00 situated at Yallavaram Dondapeta Village, Nathavarm Mandal, Visakhapatnam District by trying to interfere with the petitioner land in Sy.No.649 to an extent of Ac.2.00 situated at Yallavarm Dondapeta Village, Nathavarm Mandal, Visakhapatnam District is illegal, arbitrary and against the Principles of Natural Justice and consequently direct the 4th respondent not to interfere with the peaceful possession and enjoyment of land in Sy.No.649 situated at Yallavarm Dondapeta Village, Nathavarm Mandal, visakhapatnam District pending disposal of the Writ Petition.”

3. The averments in the affidavit filed in support of the writ petition would show that the petitioner and his family members are eking out their livelihood by doing cultivation of the agricultural land admeasuring Ac.4.66 cents in Sy.No.649 situated at Yallavarm

Dondapeta Village, Nathavarm Mandal, Visakhapatnam District. It is stated that the petitioner was raising crops in his land and has been enjoying the said agricultural land since 1970, after the death of his father. It is further stated that names of forefathers of the petitioner were also mutated in the revenue records. While things stood thus, the impugned notice came to be issued asking the petitioner to submit his explanation as to why he should not be evicted from the subject property. Challenging the same, the present writ petition came to be filed.

4. It is to be noted here that the petitioner has questioned the show cause notice issued to him, wherein he was asked to submit his explanation as to why he should not be evicted from the subject property. In stead of giving explanation and convincing the authorities with regard to his right over the land, the petitioner directly approached this Court by filing the present writ petition questioning the issuance of the show cause notice. Hence, the request of the petitioner cannot be accepted holding that the very issuance of show cause notice cannot be said to be illegal, more so when no valid grounds are made out to the incorrectness in issuing the notice.

5. Having regard to the above, the Writ Petition is disposed of directing the petitioner to submit his explanation within a period of ten (10) days from today to the show cause notice dated

08.09.2017, in which event, the respondents shall pass orders in accordance with law as early as possible preferably within six (06) weeks from the date of submission of explanation. If the petitioner is in possession of the property, *status quo* as on today to be maintained for a period of four (04) weeks from today.

Consequently, Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

Date:18.09.2017
INL

