

**HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

**WRIT PETITION No.14101 of 2017**

**ORDER:**

This writ petition is filed questioning the action of the 5<sup>th</sup> respondent in issuing impugned notice on 24-01-2017 by invoking the provisions under A.P.Assigned Lands (Prohibition of Transfers) Act, 1977.

Learned counsel for the petitioners says that the subject land i.e. Ac.90-00 guntas in Sy.No.118 of Pinapaka Village, Burgampahad Mandal, Khammam District is gifted by third parties to the petitioners and the petitioners formed into a society i.e. Pinapaka Co-operative Collective Farming Society and obtained registration No.45/1967 and the petitioners are the members of said society. As such the provisions of the Land Encroachment Act have no application, as the subject land is a private land.

Learned Assistant Government Pleader for Revenue submits that the impugned notice is only show-cause notice and when it was issued on 24-01-2017, the petitioners could have filed explanation stating the above facts.

Normally, this Court will not interfere with the issuance of show-cause notice. In view of the same, it is open for the petitioners to file explanation to the show-cause notice dated 24-01-2017 within a period of four

weeks from today and the 5<sup>th</sup> respondent shall consider the said explanation and after affording opportunity of hearing to the petitioners pass orders, if not already passed. Till then, there shall be stay of eviction of the petitioners from the subject land.

With the above direction, the writ petition is disposed of. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

**A.RAJASHEKER REDDY,J**

20-04-2017  
nvl





