

HON'BLE SRI JUSTICE S.V. BHATT

Writ Petition No.19078 of 2017

ORDER:

Heard Sri V.V.N.Narayana Rao, for petitioner and the Assistant Government Pleader (Assignment) for respondents.

2. The petitioner calls in question the notice in Rc.No.429/2017/ SA, dated 20.05.2017 issued under Section 7 of the A.P. Land Encroachment Act, 1905 (for short 'the Act'). The subject matter of the notice is for Ac.1.00 cents in Sy.No.110 of Pentakota village.

3. The petitioner challenges notice dated 20.05.2017 on various grounds, including lack of jurisdiction by referring to a few facts, which either show that petitioner is lawfully in possession of the subject matter of the notice or that assignment is subsisting etc., therefore issuance of notice under Section 7 of the Act is illegal and without jurisdiction.

4. After perusing the affidavit and hearing the learned counsel for the petitioner, this court is of the view that the complaint against the notice impugned is not lack of jurisdiction. But the notice is unnecessary, if a few aspects pointed out by the petitioner are examined and considered by the 2nd respondent. In view of the contentions raised by petitioner, this court is not inclined to entertain the writ petition. However, as a few objections, which go to the root of the case of the petitioner, to meet the ends of justice, this court directs the 2nd respondent to first consider preliminary objections raised by the petitioner on the maintainability or authority to issue notice under Section 7 of the Act and thereafter, proceed to consider objections on

merits. The petitioner is given three weeks time from today to file explanation to the notice, both preliminary and on merits.

5. The writ petition is, accordingly, disposed of. No order as to costs. Miscellaneous petitions, if any, pending in this petition, shall stand dismissed.

Date: 13.06.2017
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