

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.10869 OF 2017

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking to declare the action of respondent No.3 in issuing eviction notice under Section 7 of the Andhra Pradesh Land Encroachment Act III of 1905 (for short, 'the Act') vide proceedings Lr.No.A/103/2017, dated 15.03.2017, which is served on the petitioner on 20.03.2017, as arbitrary and illegal.

2. Heard learned counsel for the petitioner and learned Assistant Government Pleader for Revenue.

3. Learned counsel for the petitioner would submit that without passing any order under Section 6 of the Act, the respondents are trying to interfere with the possession of the petitioner; that the petitioner was also issued possession certificate by the then Tahildar and he already constructed a house in the subject property.

4. Normally, this Court will not interfere with the show cause notice. If the petitioner has any grievance, he has to give explanation to the show cause notice, dated 15.03.2017. Without giving any explanation, the petitioner has directly approached this Court by way of filing this writ petition.

5. In view of the facts and circumstances of the case, the petitioner is directed to submit explanation to the show cause, dated 15.03.2017, within a period of four (04) weeks from today

and on such explanation being made, the 3rd respondent is directed to consider the same and pass final orders after issuing notice and after affording opportunity to the petitioner. Till such time, *status quo* obtaining as on today in all respects shall be maintained by both the parties.

6. With the above direction, the Writ Petition is disposed of. Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

MARCH 27, 2017
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A.RAJASHEKER REDDY, J



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Date: 27.03.2017

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