

**THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO**

**WRIT PETITION No.3964 of 2018**

**ORDER:**

Heard the learned Counsel for the petitioner and the learned Government Pleader for the respondents.

The petitioner claims to be the absolute owner and possessor of house bearing No.8-4-548/E/22 admeasuring 107 square yards situated in B.Shankarlal Nagar, Erragadda, Hyderabad, and the same was purchased under a registered sale deed dated 01.07.2013 from its original owner. He states that the property is situated in a slum area and there are existing structures. The property was assessed to municipal taxes and electricity service connection is also existing. While so, the fourth respondent came to the property on 03.02.2018 and tried to put a lock to his property by serving an order under Section 6 of the Andhra Pradesh Land Encroachment Act dated 05.01.2018. Challenging the same, the present Writ Petition is filed.

The aforesaid proceedings dated 05.01.2018 were taken against the Principal, Oxford School, Erragadda, Hyderabad, in respect of an alleged encroachment of 86 square metres in T.S.No.1, Block-B, Ward No.3, correlated to Survey No.127/1 of Bahlookhanguda Village which was stated to be vacant land within the compound wall. The petitioner states that the said land is different from the land possessed by the petitioner. The

petitioner was not issued any notice at any point of time alleging encroachment.

In the circumstances, the fourth respondent is restrained from interfering with the possession of the house of the petitioner bearing No.8-4-548/E/22 in the guise of the proceedings passed on 05.01.2018 in the name of the Principal, Oxford School, Erragadda, Hyderabad, unless he correlates the said area with the area mentioned in the proceedings dated 05.01.2018 by giving appropriate notice.

The Writ Petition is, accordingly, allowed in terms of the above direction at the admission stage. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

08.02.2018

**(A.RAMALINGESWARA RAO, J)**

Note: Issue C.C in two days.

B/o.

vs