

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.4504 of 2018

ORDER:

It is the case of the petitioner that he is in possession and enjoyment of Ac.0.04 cents of land in Survey No.133/3C of Kothavalasa Village, Parvathipuram Mandal, Vizianagaram District. He states that he has been in possession of the said land since 1990 and also constructed a house in the year 1993. The property was assessed to taxes by the Parvathipuram Municipality and he has been paying the taxes regularly. While so, when the Government of Andhra Pradesh issued G.O.Ms.No.508, dated 20.10.1995, providing an opportunity to the encroachers to seek regularization of their occupation of Government land, the petitioner submitted an application on 15.04.1996. The said application was forwarded by the second respondent to the third respondent, but no final orders have been passed. It is stated that the Mandal Revenue Inspector, Parvathipuram, recommended his case for regularization. While so, the third respondent issued proceedings on 17.09.2014 under the Andhra Pradesh Land Encroachment Act, 1905, asking the petitioner's father to show cause as to why further proceedings should not be taken under the said Act. In response to the said notice, the father of the petitioner submitted a representation justifying the possession of the land. Now another notice is issued on 18.01.2018 finally determining the petitioner as the encroacher of the land mentioned therein

who constructed a house in the tank land. Challenging the same, the present Writ Petition is filed.

Though the learned Counsel for the petitioner contended that when there is an application for regularization pending before the authorities the authorities should not have determined the petitioner as the encroacher of the land, since there is a provision for appeal against the impugned order, this Court is not inclined to entertain the present Writ Petition, but gives liberty to the petitioner to prefer an appeal to the competent authority against the impugned order dated 18.01.2018.

The Writ Petition is, accordingly, disposed of without going into the merits of the case and since the petitioner is given liberty to prefer an appeal, the third respondent is restrained from taking action pursuant to the impugned order dated 18.01.2018 for a period of thirty (30) days from the date of receipt of a copy of this order. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

14.02.2018
vs

(A.RAMALINGESWARA RAO, J)