

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.7951 of 2018

ORDER:

It is the case of the petitioners that the land of an extent of Acs.5.00 in Survey No.41/11 of Khanamet Village, Serilingampally Mandal, Ranga Reddy District, belonged to one Sri Nookala Mallaiah and his name was entered in the revenue records. After his death, his son sold an extent of 300 square yards to the petitioners' father under a registered sale deed dated 30.08.1994. The petitioners' father applied for regularization of the said plot to the GHMC and it was regularized by proceedings dated 26.02.2009. Thereafter, he applied for permission to construct a building and the same was approved on 12.12.2017. It appears that the petitioners' father died subsequently and the petitioners came into possession of the said plot. While so, the second respondent appears to have issued a show cause notice on 11.01.2018 under Section 7 of the Andhra Pradesh Land Encroachment Act asking the father of the petitioners to show cause as to why he should not be evicted from the land. The petitioners submitted a reply on 29.01.2018 stating that the notice was issued in the name of a dead person. But, however, the petitioners, being the legal heirs, submitted the reply. The notice was issued on the ground that the said land was an assigned land. When the petitioners started construction, the same is being interfered with by the second respondent without passing any orders pursuant to the show cause notice dated 11.01.2018. In those circumstances, the present Writ Petition is filed.

Learned Counsel for the petitioners submits that the father of the petitioners died pending the building permission granted on

12.12.2017 and the petitioners came into possession of the property by virtue of a gift deed executed in their favour. He further submits that the interference by the second respondent without passing any final order is highly irregular.

Since it is the case of the petitioners that the show cause notice was issued by the second respondent on 11.01.2018 and no final order was passed by him and the petitioners are having the building permission and an order of regularization of the plot in their favour, the land admeasuring 300 square yards claimed by the petitioners shall not be interfered without passing any final order.

The Writ Petition is, accordingly, disposed of directing the second respondent not to interfere with the land admeasuring 300 square yards covered by plot No.10 in Survey No.41/11, Matha Bhuvaneshwari Colony of Khanamet Village, Serilingampally Mandal, Ranga Reddy District, without passing the final order pursuant to the show cause notice dated 11.01.2018. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

12.03.2018
vs