

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.13081 OF 2018

Dated:16.04.2018

Between:

Mr.Vijay Mittal,
S/o. C.L.Mittal,
Aged about 57 years,
Occ: Business,
R/o.10-1-13/2, Mittal Chambers,
Asilmetta, Visakhapatnam District,
Andhra Pradesh – 530003 and another.

... Petitioners

And

State of Andhra Pradesh, rep. by its
Principal Secretary to Government,
Revenue Department,
Andhra Pradesh Secretariat,
Velagapudi, Amaravathi,
Guntur District.

... Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.13081 OF 2018****ORDER:**

Petitioner is challenging the notice issued under Section 7 of the Land Encroachment Act, dated 04.04.2018. By this notice, petitioner was informed that land to an extent of Acres 0.46 cents in his occupation in Survey No.5/3 of L.B.P. Agraharam Village, Butchayyapeta Mandal, Visakhapatnam, is classified as Gedda (Government Land) and that he is in illegal occupation of the Government Land and that why appropriate steps should be taken to evict him. Petitioner claims to have filed his explanation dated 10.04.2018.

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

3. Learned counsel for the petitioner do not dispute that the Tahsildar is competent to issue notice under Section 7 of the Land Encroachment Act. He only tried to emphasize that this has been treated as private patta land and present notice is without looking into the records. Petitioner has filed his explanation dated 10.04.2018 explaining his stand on the status of the land and against issuance of notice under Land Encroachment Act. So far no decision is made by the Tahsildar. Hence, this Court is not inclined to entertain this writ petition at this stage and even before a decision is made

by the Tahsildar. It is not the case of the petitioner that petitioner is remediless, once a decision is made by the Tahasildar.

4. Thus, the writ petition is dismissed, granting liberty to the petitioner to work out his remedies as available under law, as and when a decision is made by the Tahsildar. It is needless to observe that Tahsildar shall examine the representation of the petitioner objectively and pass a reasoned order before taking further coercive steps.

5. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

16.04.2018
SS

P.NAVEEN RAO, J



THE HON'BLE SRI JUSTICE P. NAVEEN RAO



WRIT PETITION No.13081 OF 2018

16th APRIL, 2018

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