

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.16528 OF 2018

DATED : 02.05.2018

Between :

Pemma Venkat Ramaiah S/o.Late Koti Narayana,
Aged 58 yrs, Occu : Agriculture,
R/o.Gangireddypalem Village, Bellamkonda Mandal,
Guntur District

.. Petitioner

And

The Government of Andhra Pradesh,
Rep., by its Principal Secretary,
Revenue Department,
Secretariat Buildings,
Velagapudi, Amaravathi, Guntur District & others

... Respondents



This court made the following :

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ORDER :

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

2. Petitioner is aggrieved by the notice dated 15.03.2018. By the said notice petitioner was asked to explain on the complaint filed by some villagers alleging that petitioner has encroached into Wagu poromboke land in Sy.No.181/A and obstructing the right of way to other villagers to reach their farm lands. Petitioner seems to have submitted explanation through Advocate on 19.03.2018. Alleging inaction in response to the reply filed in the form of legal notice and threatening to dispossess even before decision is made, this writ petition is filed.

3. *Prima-facie*, it cannot be said that the Tahsildar is not competent to issue notice. A reading of the notice would show that the villagers allege that petitioner encroached into Wagu poromboke land obstructing the right of way to the farmers. Therefore, the Tahsildar is competent to call upon the petitioner to respond to the allegation and to satisfy that petitioner is in possession and enjoyment of the land belonging to him. Therefore, even before a decision is made, the Court is not inclined to entertain the writ petition.

4. Having regard to the above, the Writ Petition is disposed of directing the Tahsildar, Bellamkonda Mandal-4th respondent to

consider the explanation offered by the petitioner in the form of advocate notice dated 19.03.2018 and to pass appropriate orders, as warranted by law. Till a decision is made the petitioner shall not be dispossessed. There shall be no order as to costs.

Miscellaneous petitions, pending if any, in this writ petition shall stand closed.

P. NAVEEN RAO, J

2nd May, 2018
Rds

