

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.18794 of 2018

ORDER:

The petitioner prays for the following relief :-

“..... to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents 2 to 4 in trying to demolish the Function Hall constructed in Sy.No.102/ 2 to an extent of Ac.0-23 cents by the petitioner by issuing Notice dated 1.6.2018 issued by the 4th respondent wherein to remove the construction made in Sy No 133 in an extent of Ac.0-01 cents situated at Kaguvada Panchayat, Korasavada Revenue village, Pathapatnam Mandal, Srikakulam District without material on record and opportunity being heard as the same is illegal and arbitrary and violative of principles of natural justice and consequently direct the 4th respondent not to demolish the Function Hall constructed in Sy.No.102/ 2 to an extent of Ac.0-23cents by the petitioner....”.

Mr.Krishna Rao tried to convince the Court that the petitioner is compelled to invoke the jurisdiction of this Court under Article 226 of the Constitution of India, for the 4th respondent is acting in great haste without even following the procedure stipulated under the Land Encroachment Act.

The apprehension cannot be treated as completely unfounded.

Though the Court is not convinced with the challenge to show-cause notice issued under the Land Encroachment Act, to meet the ends of justice, the writ petition is disposed of by this order.

(a) The petitioner is given liberty to file explanation by enclosing a copy of this order within two weeks from the date of receipt of a copy of this order.

(b) The 4th respondent is directed to enquire into the matter, if circumstances warrant, conduct physical survey of the land, afford opportunity to petitioner and pass orders in accordance with law.

(c) Till orders are passed and communicated, the parties are directed to maintain *status-quo* obtaining as on date.

Miscellaneous petitions, if any, pending, shall stand closed.

No order as to costs.

Dt: 08-06-2018
Prv



S. V. BHATT, J