

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION NO.21669 OF 2018

ORDER:

The petitioner challenges notice dated 13.04.2018 issued under Section 7 of the Land Encroachment Act, 1905 ("the Act" for brevity), as illegal and without jurisdiction. One of the grounds of objection raised against the notice impugned in the Writ Petition is that petitioner cannot and could not be treated as encroacher and proceeded under the Act.

The learned Assistant Government Pleader firstly objects to the maintainability of Writ Petition against the show cause notice dated 13.04.2018 for according to him, after due verification of old record and seeking clarification from the second respondent/District Collector, Chittoor, steps under the Act are taken up to remove encroachment. The third respondent since has received the explanation, would pass orders under Section 6 of the Act adverting to all objections raised by petitioner.

Mr. Suresh Kumar Reddy Kalava, counsel for petitioner, seeks liberty to assail the orders, if any, communicated under Section 6 of the Act by keeping all objections open.

After perusing the record, I am satisfied that the Writ Petition, at this juncture, is misconceived since the counsel requested the Court not to examine the merits, the merits are

not examined. However, liberty is given to the petitioner to challenge the order communicated under Section 6 of the Act.

With the above observation, the Writ Petition is dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand dismissed.

(S.V.BHATT, J)

27th June 2018
RRB

