

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.24437 of 2018

ORDER:

Heard counsel for the petitioner, the learned Assistant Government Pleader for assignment and Mr. Mayur Reddy for 5th respondent.

The petitioner challenges notice dated 05.07.2018, calling upon the petitioner to submit explanation as to why petition land shall not be resumed to Government. The petitioner refers to filing of W.P.No.7652 of 2018 and raises the ground that the notice impugned in the writ petition for all purposes has concluded.

The petitioner further apprehends that respondent No.4 is determined to dispossess the petitioner and handover possession to 5th respondent. The allegations against the petitioner in the notice do not conform to the A.P. Assigned Lands (POT) Rules, 2007, therefore, the petitioner prays for setting aside the notice.

The Assistant Government Pleader (Assignment) objects to the maintainability of writ petition by contending that the colourable exercise of power attributed by petitioner is coined, for invoking the jurisdiction of this Court under Article 226 of Constitution of India. Further, the reasons pointed out in the notice impugned in the writ petition are matters of enquiry by 4th respondent. This Court ought not to interdict the notice on the allegations made in the writ affidavit. On the apprehension

expressed by petitioner, namely, that the petitioner will be dispossessed and possession is handed over to 5th respondent, the Assistant Government Pleader informs the Court that the petitioner has submitted explanation, the 4th respondent enquires into the matter in detail and the possession of the petitioner, cannot and could not be disturbed without passing orders or communicating the same.

Mr. Mayur Reddy objects to filing of writ petition against a show cause notice. According to him, the 4th respondent is under obligation to enquire into the allegations and on allegations of petitioner, it need not be doubted that enquiry will be lopsided.

It cannot be said that the petitioner rushed to this Court without cause or concern. The petitioner, no doubt has submitted explanation and on apprehension of losing possession in a way other than the manner prescribed by the petitioner to approach this Court. The objections raised by the petitioner are required to be examined in detail by 4th respondent.

To meet the ends of justice, the writ petition is disposed of by this order:

- (a) The petitioner is given three (03) weeks time to submit additional reply/raise additional grounds as advised, by enclosing a copy of this order.

- (b) The 4th respondent conducts enquiry and considers the objections raised by the petitioner while passing the order.
- (c) The possession of petitioner shall not be disturbed till the order is passed, communicated and the period of limitation provided for appeal is over.
- (d) The petitioner, if receives adverse order can work out the remedies in accordance with law. No order as to costs.

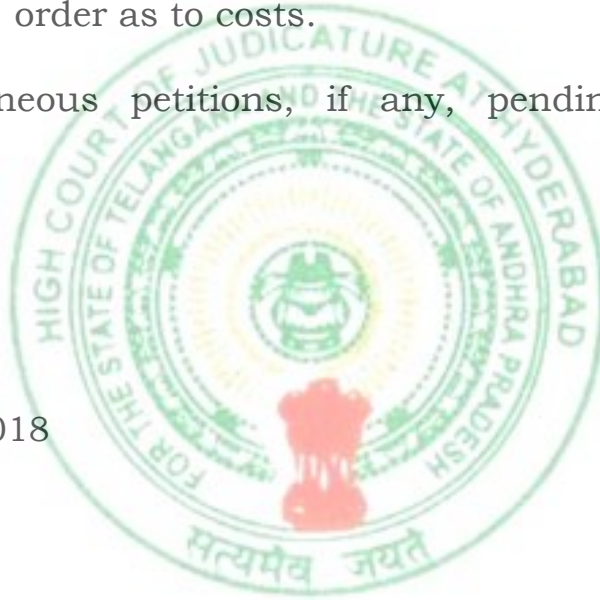
Miscellaneous petitions, if any, pending, shall stand closed.

Date: 17.07.2018

Note:

CC in one week

(B/o) dv



S. V. BHATT, J

