

HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No.33301 of 2018

ORDER :

Heard learned counsel for the petitioner and learned Government Pleader for Revenue (Andhra Pradesh).

2. With the consent of both parties, the Writ Petition is disposed of at the admission stage.

3. The present Writ Petition came to be filed seeking issuance of Writ of Mandamus declaring the action of respondent No.4 in putting board in the site in an extent of Ac.0.14 cents in Survey No.698/2, Tirupathi RS, Tirupathi Rural Mandal, Chittoor District, wherein the petitioner is residing, as illegal and arbitrary.

4. The averments in the affidavit would show that the petitioner claims to have occupied land admeasuring Ac.0.14 cents in Survey No.698/2, Tirupathi RS, Tirupathi Rural Mandal, thirty years back, raised a thatched house and also constructed a room with asbestos sheets roof and thereafter she is said to be living there after obtaining electric connection. She also made an application for regularization of the said land, which is said to be pending. While things stood thus, a show cause notice came to be issued to the

petitioner asking him to show cause as to why she should not be evicted from the said premises. The petitioner claims to have submitted her explanation to the said notice issued under Section 7 of the Encroachment Act. But, no orders are passed in the same. It is stated that without passing orders on the explanation given by the petitioner, the authorities are trying to interfere with the possession by erecting sheds. The averments in the affidavit would also show that against the notice issued under Section 7 of the Act, the petitioner filed W.P.No.7330 of 2018, which was disposed of directing the petitioner to submit her explanation and also directed the respondents therein not to evict her till decision is taken by respondent No.4. Pursuant thereto, the petitioner is said to have submitted her explanation.

5. A perusal of the written instructions received would show that the request of the petitioner for assignment of the land was already rejected and subsequent to the explanation given by the petitioner, notice under Section 6 of the Land Encroachment Act was issued on 21.02.2018. It is stated that though final orders are passed, on 21.02.2018, the petitioner refused to receive the said orders. But however, it is to be noted that no endorsement to that effect is placed before this Court.

6. Having regard to the above, respondents shall serve a copy of the orders passed in proceedings Roc.A/183/2017, dated 21.02.2018, by 21.09.2018, in which event, the petitioner shall avail the remedy, if any, available under law.

7. Accordingly, the Writ Petition is disposed of.

8. As a sequel thereto, Miscellaneous Petitions, if any, pending in this Writ Petition, shall stand closed. No costs.

C.PRAVEEN KUMAR, J

Date: 17.09.2018

Note:

Issue CC in three days.

B/o.

vhb

