

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 33952 of 2018

ORDER:

The present writ petition came to be filed seeking a writ of *mandamus*, declaring the action of the 4th respondent in issuing the impugned notice under Section 7 of the Land Encroachment Act, 1905 (hereinafter mentioned as 'Act'), vide proceedings in RC.No.B/ 633/ 2018, dated 12.09.2018, as illegal, arbitrary and improper.

2. A perusal of the record shows that pursuant to the notice issued under Section 7 of the Act, the petitioner submitted her explanation on 17.09.2018. Having submitted herself to the jurisdiction of the authority who issued the impugned notice, the petitioner filed the present writ petition questioning the issuance of the notice itself.

3. At this stage, the learned counsel for the petitioner would submit that without passing any order on the explanation of the petitioner, the authorities are likely to dispossess the petitioner from the subject land, and hence seeks a direction for disposal of the proceedings by protecting her interest till then.

4. Having regard to the above, since the explanation to the notice issued under Section 7 of the Act came to be submitted by the petitioner on 17.09.2018, the authorities shall pass appropriate orders thereon, in accordance with law, as early as possible, after hearing the petitioner and all concerned. Till such

time, *status quo* as on today shall be maintained with regard to the possession of the subject property.

5. With the above direction, the writ petition is disposed of. There shall be no order as to costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

20.09.2018

Note: Issue cc in two days

(B.O)

DMG

