

**HON'BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI**

**WRIT PETITION No. 38024 of 2018**

**O R D E R:**

When the writ petition came up for hearing, both the counsel consented to dispose of the same at the stage of admission.

2. The writ petition is filed questioning the action of the Tahsildar, Ponnalur, Prakasam District- 4<sup>th</sup> respondent, in trying to dispossess the petitioners from agricultural land with standing crop "Paddy, Jamail trees, Maize and Gross" Crop, to an extent of Ac.2.00 cents in Sy.No.787; Ac.3.00 cents in Sy.No.787 and Ac.1.00 in Sy.No.757 of total extent of land admeasuring Ac.6.00 cents situated at Thimmapalem Village, Ponnalur Mnadal, Prakasam District, as illegal and arbitrary.

3. The brief facts of the case are that, the petitioners are in possession and enjoyment of the subject lands; on 14.09.2018, the staff of respondent No.4 came to the petitioners' land and prevented them from working in their fields by warning that criminal proceedings will be issued against them if they do not vacate the subject lands; notice was obtained by the petitioners on 14.09.2018 from the office of respondent No.4; the petitioners requested respondent No.4 to give

appropriate opportunity to the notice dated 13.09.2018; when the respondent officials threatened to initiate criminal proceedings, the petitioners filed a writ petition in WP No.33859 of 2018, which was disposed of by this Court on 19.09.2018 directing the petitioners to submit their explanation within a period of one week from that date and the concerned authority was directed to pass appropriate orders in accordance with law, if no orders were already passed till date to the notice issued under Section 7 of the Andhra Pradesh Land Encroachment Act; the petitioners obtained copy of the said order on 01.10.2018 and on 05.10.2018 they gave their explanation to the respondent No.4; but respondent No.4 did not pass any orders on the explanation; while so, again on 12.10.2018 the staff of respondent authorities came to the subject lands and warned the petitioners to stop the work. Hence this writ petition.

4. Heard learned counsel for petitioners and the learned Assistant Government Pleader for Revenue for respondents.

5. It is contended by the learned counsel for petitioners without passing any orders on the explanation dated 05.10.2018, submitted by the petitioners, the respondents are trying to dispossess the petitioners and threatening to initiate criminal proceedings against them.

6. On the other hand, learned Assistant Government Pleader for Revenue appearing for respondents contends that the petitioners failed to submit their explanation within the stipulated time and that they submitted the same, much later on 05.10.2018 and hence, the petitioners are not entitled for any relief.

7. On a perusal of the material on record and in view of the submissions made by both the counsel, without going into the merits of the case, the writ petition is disposed of at the admission stage directing respondent No.4 to consider and dispose of the explanation dated 05.10.2018 submitted by the petitioners, in accordance with law, as expeditiously as possible, preferably within a period of two (02) weeks from today. Till then, respondents shall not dispossess the petitioners from their subject lands. No costs.

8. Miscellaneous Petitions, if any, pending in the writ Petition shall stand closed.

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**KONGARA VIJAYA LAKSHMI, J**

19<sup>th</sup> October, 2018  
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