

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.46621 of 2018

ORDER:

The petitioner questions the notice dated 15.12.2018 issued by the 3rd respondent under Section 7 of the Land Encroachment Act, 1905, whereunder and whereby the respondent authorities have sought to resume the agricultural land admeasuring Ac.2-00 cents Ac.2-00 cents in Survey No.169 of Maddikonda Village, Aswaraopet Mandal, Kothagudem District.

2. Heard the learned counsel for petitioner, and the learned Government Pleader for Revenue, State of Telangana.

3. Learned counsel for the petitioner submits that the original assignee of the subject land is one Mantripragada Padmavathi and pattadar passbook was issued in her favour in respect of the said land, and the petitioner is only a tenant of the original assignee and she is cultivating the land after the demise of her father who used to cultivate the same on earlier occasion. It is the specific assertion of the learned counsel for the petitioner that, as a matter of fact, the Land Encroachment Act does not attract to the case of petitioner and therefore, the initiation of proceedings under Land Encroachment Act itself are misconceived.

4. On the other hand, the learned Government Pleader opposed the writ petition and submitted that the petitioner should have submitted explanation instead of rushing to this Court with this writ petition. He would further submit that on petitioner submitting her explanation including putting forth the grounds urged in this writ petition, the same shall be considered by the competent authority in accordance with law.

5. Having regard to the respective submissions and as pointed out by the learned Government Pleader, as the petitioner is challenging the show cause notice, the petitioner shall submit her explanation raising the grounds urged in this writ petition and also any other grounds that may be legally available to her and as no orders have been passed on the impugned notice dated 15.12.2018 under Section 6 of the Act yet, the petitioner is given liberty to file her objections raising the grounds available to her under law, within ten days from the date of receipt of this order. Upon such filing of objections by the petitioner, the 3rd respondent shall consider the same and pass a reasoned order under Section 6 of the Act, in accordance with law, dealing with every contention raised by the petitioner. Till such time an order is passed by the 3rd respondent on the objections that may be filed by the petitioner, her enjoyment and cultivation of the subject land shall not be interfered with by the respondent authorities.

6. With the above direction, the writ petition is disposed of. No costs. Miscellaneous petitions, if any pending, shall stand closed.

JUSTICE CHALLA KODANDA RAM

24th December, 2018

KSM

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