

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.47119 OF 2018

O R D E R

The case of the petitioner is that vide G.O.Ms.No.1033 Revenue (ASN.V) Department dated 09-10-2003, Government allotted the land to an extent of Acs.50-00 in Sy.Nos.203/P, 204 and 205 situate at Manikonda Jagir Village, Rajendranagar Mandal of Rangareddy District to the 5th respondent – The Hyderabad District Government Employees Co-operative Housing Society Ltd., for the purpose of providing house sites, and in turn the said Society allotted the plot No.553 to the petitioner in Sy.No.203/P, 204 to 209 and 210/P situate at Gachibowli village, Serilingampally mandal, Rangareddy District, and the petitioner made construction of a residential house. Now the grievance of the petitioner is that 4th respondent – Tahsildar, issued impugned notice No.B/275/2009 dated 15-12-2018 under Section 7 of the Andhra Pradesh Land Encroachment Act, - III of 1905. Aggrieved by the same, the present writ petition is filed.

Sri A.Sudershan Reddy, learned Senior Counsel appearing for the petitioner, reiterating the above averments made in the affidavit filed in support of the writ petition, submits that under G.O.Ms.No.1033 dated 09.10.2003, Government allotted the subject land to the Society, and hence 4th respondent is not justified in issuing the impugned notice under Section 7 of the Act, stating that it is Government land. In view of G.O.Ms.No.1033 dated 09.10.2003, the impugned notice is liable to be set aside.

Learned Assistant Government Pleader for Revenue, on instructions, submit that since the petitioner was only issued with notice under Section 7 of the Act, he may be directed to file explanation and the 4th respondent would consider the same in accordance with law.

Ordinarily, this court will not interfere at the stage of show cause notice unless it is without jurisdiction. In view of the above facts and circumstances of the case, without expressing any opinion on merits, writ petition is disposed of giving liberty to the petitioner to file explanation to the impugned notice stating above facts, within a period of two weeks from the date of receipt of a copy of this order, and on receipt of such explanation, competent authority / 4th respondent – Tahsildar, shall consider the same and pass appropriate orders in accordance with law, after giving notice and opportunity of hearing to the petitioner. Till passing of such final order, respondents shall not take any coercive steps against the petitioner in respect of subject property.

Interlocutory applications pending, if any, shall stand closed. No costs.

A. RAJASHEKER REDDY, J

DATE: 28-1-2-2018

AVS