

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 19815 OF 2019

O R D E R:

Notice dated 28.08.2019 issued under Section 7 of the Land Encroachment Act, 1905, whereunder it is alleged that the petitioner Society had occupied the extent of Ac.2.00 of land in Survey No. 993 of Ameenpur Village and made constructions therein illegally, is under challenge. In response thereto, the petitioner, it is stated, had submitted the explanation on 09.09.2019. The petitioner asserts that it is in possession of the land and constructed a temple and running a goshala. Evidencing the same, photographs have also been filed. It is submitted that the petitioner has been conducting eye and blood donation camps and also undertaking various charitable / philanthropic activities.

Learned Government Pleader for Revenue opposes the Writ Petition and submits that though the petitioner had submitted explanation dated 09.09.2019, the same does not refer to the method and manner of acquisition of land over which it had made the alleged constructions. The learned Government Pleader also would submit that in the guise of construction of the temple and running all religious activities, the property of the government cannot be occupied. At any rate, as the petitioner had submitted explanation in response to the notice issued under Section 7, the same will be taken into consideration by the authority and appropriate orders will be made under Section 6 of the said Act, submits the learned Government Pleader.

Perused the material on record. It is not in dispute that the petitioner had been issued the notice under Section 7 of the Act, for which the explanation dated 09.09.2019 was submitted. In that

view of the matter, the respondent authorities shall pass final orders after giving an opportunity to the petitioner. The respondents shall strictly ensure consideration of the claim of the petitioners particularly, assertion of their right with respect to the property which is admittedly in their possession. In the event the petitioner does not establish title and right, necessary speaking orders be made before issuing notice under Section 6 directing the petitioner to vacate the said premises.

The Writ Petition is disposed of accordingly. No costs.

Consequently, the miscellaneous Applications, if any stand closed.

13th September 2019

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CHALLA KODANDA RAM, J

