

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)**

WEDNESDAY, THE FIFTEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION NO: 25159 OF 2022

Between:

Kotha Satyanarayana Reddy, S/o.Koti Reddy, Indian, Aged. 72 years.
Occ. Agriculture, Gollapadu village, Khammam Rural District.

...PETITIONER

AND

1. State of Telangana, Rep. by its Principal Secretary Revenue Department, Secretariat, Hyderabad.
2. The District Collector, Khammam District.
3. The Tahasildar, Khammam Rural Mandal, Khammam District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue any appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the Notice of the 3rd Respondent issued under Section.7 of Act No.3 of 1905, vide RC.No.C/109/2022/Gollapadu-2, dated.11-05-2022 for eviction of land in Sy.No.26 occupied by the Petitioner to an extent of Ac.0- 30 guntas out of total extent Ac.157.17 guntas, of Gollapadu revenue village of Khammam Rural Mandal as illegal, null, void and without jurisdiction.

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents not to evict the Petitioner from land in Sy.No.26 occupied by the Petitioner to an extent of Ac.0-30 guntas out of total extent Ac.157.17 guntas, of Gollapadu revenue village of Khammam Rural Mandal and not to disturb the peaceful possession and enjoyment of the Petitioner in and over the subject land, pending disposal of the present Writ Petition.

Counsel for the Petitioner: SRI G. RAVI CHANDRA SEKHAR

Counsel for the Respondents: AGP FOR REVENUE

The Court made the following: ORDER

HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION No.25159 of 2022

ORDER:

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Revenue appearing for the respondents. With their consent, the writ petition is disposed of at the stage of admission.

2. This writ petition is filed questioning the show-cause notice issued under Section 7 of Land Encroachment Act, 1905 vide RC NO.C/109/2022/Gollapudi 2, dated 11.05.2022. The writ petition is filed questioning the show-cause notice submitted explanation to the show-cause notice, after having this Court is not inclined to entertain the writ petition at this stage.

3. The learned counsel for the petitioner submitted that in response to the show-cause dated 11.05.2022 the petitioner has already submitted explanation through his counsel on 26.05.2022 and a copy of the same is produced before this Court. It is evident from the same that the said explanation was also received by the office of the 3rd respondent and the same is yet to be considered by the 3rd respondent.

4. In view of the same, the writ petition is disposed off directing the 3rd respondent to consider the explanation dated 27.03.2022 submitted by the petitioner and pass appropriate orders in accordance with law and communicate the same to the petitioner. In case, any adverse orders are passed against the petitioner the respondents are directed not to take coercive steps against the petitioner for eviction of the petitioner from the subject land for a period of 60 days from the date of service of the order passed by the 3rd respondent on the petitioner to enable the petitioner to avail the remedy of appeal provided under the statute, if he so choose.

Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

SD/- P.PADMANABHA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, State of Telangana, Secretariat, Hyderabad.
2. The District Collector, Khammam District.
3. The Tahasildar, Khammam Rural Mandal, Khammam District.
4. One CC to Sri G. Ravi Chandra Sekhar, Advocate [OPUC]
5. Two CCs to GP for Revenue, High Court for the State of Telangana. [OUT]
6. Two CD Copies
7. One Spare Copy

GJ



HIGH COURT

DATED:15/06/2022

ORDER

WP.No.25159 of 2022



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

9 VLW
1/7/22