

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

THE HON'BLE SRI JUSTICE NINALA JAYASURYA

WRIT PETITION No.20051 of 2023

Between:-

Visakoti Srinu

..... Petitioner

And

The State of A.P,
Rep. by its Prl. Secretary to Govt.,
Revenue Department
& 5 others

..... Respondents

Counsel for the petitioner : M/s. M. Solomon Raju

Counsel for respondents 1 to 5 : G.P. for Revenue

Counsel for the respondent 6 : ----

ORDER:

Heard learned counsel for the petitioner. Also heard learned Assistant Government Pleader for Revenue appearing for the respondents 1 to 5. With their consent the Writ Petition is being disposed of at the stage of admission. Notice to the respondent No.6 is deemed not necessary, as the merits of the matter are not dealt with.

2. The Writ Petition is filed seeking to declare the notice in Ref.C/292/2023 dated 28.07.2023 under Section 7 of A.P Land Encroachment Act, 1905 issued by the 4th respondent herein,

thereby directing the petitioner and his family to vacate from their agricultural land admeasuring Ac.0.50 cents in Sy.No.839 of Kanavaram Revenue Village, Rajanagaram Mandal, East Godavari District., without considering the petitioner's explanation dated 04.08.2023 as illegal, irregular, etc., and to suspend the notice dated 28.07.2023 issued by the 4th respondent and also for a consequential direction to the respondents not to interfere with the petitioner's peaceful possession and enjoyment of the above said land.

3. The learned counsel for the petitioner *inter alia* submits that the petitioner is a land less poor person and he is eking out his livelihood by doing agriculture and other activities in the subject matter land. While so, to the petitioner's surprise, the counsel submits that the 4th respondent issued a notice dated 28.07.2023 under Section 7 of A.P Land Encroachment Act, 1905 (for short 'the Act'); insisting him to vacate from the subject matter land. He submits that the petitioner submitted explanation to the said notice on 04.08.2023 and without considering the same, the respondents are resorting to high handed action. He submits that any action on the part of the respondents, without passing orders on the

petitioner's explanation, is not sustainable in Law. He submits that in view of imminent threat, the petitioner is constrained to file the present Writ Petition.

4. This Court considered the submissions made and perused the material on record. It is not in dispute that the petitioner submitted reply/explanation to the notice dated 28.07.2023. In such circumstances, the 4th respondent is required to consider the reply/explanation before resorting to further action in terms of the Act.

5. Therefore, the writ petition is disposed of with a direction to the 4th respondent to consider the reply/explanation dated 04.08.2023 submitted by the petitioner and pass appropriate orders thereon, in accordance with law, within a period of six (6) weeks from the date of receipt of a copy of this Order and communicate the same to the petitioner under proper acknowledgement. Till appropriate orders as indicated above are passed, no coercive action in respect of the subject matter property shall be resorted to.

No order as to costs. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

NINALA JAYASURYA, J

Date: 08.08.2023

Note: Dispatch copy by 11.08.2023

B/o.

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Dt: 08.08.2023

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