

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

THE HON'BLE SRI JUSTICE B KRISHNA MOHAN

WRIT PETITION No.4647 of 2023

Nasina Mahesh, S/o. Mallikarjuna Rao,
aged 24 years, R/o. Vidavaluru Village
and Mandal, SPSR Nellore District,
Andhra Pradesh.

.... Petitioner

Versus

The State of Andhra Pradesh, rep. By
its Principal Secretary (Revenue
Department), Secretariat Buildings,
Velagapudi, Amaravathi, A.P. and 3
others.

....Respondents

ORDER:

Heard the learned counsel for the petitioner and the
learned Assistant Government Pleader for Revenue for the
respondents.

2. The grievance of the writ petitioner is that, the 4th
respondent issued the impugned notice under Section 7 of
the Andhra Pradesh Land Encroachment Act, 1905 (herein
after referred as “the Act”) dated 12.01.2023 alleging that the
petitioner encroached upon 22.33 Square Yards of the
Government Land in Survey No.446/4 (street Survey No.68)
of Vidavaluru Village and Mandal, SPSR Nellore District.

3. The learned counsel for the petitioner submits that, the
petitioner is the owner and possessor of the house situated in

an extent of 22.33 Square Yards in Survey No.446/4 (street Survey No.68) of Vidavaluru Village and Mandal, SPSR Nellore District and the same was purchased under the registered sale deed dated 19.08.2015. Ever since, he has been in possession and enjoyment of the same. While so, one of the villagers gave a complaint to the Lokayuktha. It appears in turn, the 4th respondent issued this impugned notice under Section 7 of the Act dated 12.01.2023, alleging that the petitioner is the encroacher of a Government land by housing a compound wall in an extent of 22.33 Square Yards. Aggrieved by the same, this writ petition is filed.

4. The learned counsel for the petitioner further submits that, no further opportunity is also given by the 4th respondent to substantiate their claim over the subject property. Hence, much prejudice and hardship would cause to the petitioner.

5. On the other hand, the learned Assistant Government Pleader for Revenue appearing for the respondents submits that, the petitioner can approach the 4th respondent by giving an explanation for it and if so, the same would be considered by the 4th respondent by following the due procedure.

6. In view of the above said facts and circumstances, the petitioner is directed to appear before the 4th respondent pursuant to the impugned notice dated 12.01.2023 within a period of two (02) weeks from the date of receipt of this order. Upon receipt of the said explanation from the petitioner, the 4th respondent shall consider the same strictly in accordance with law by hearing all the parties concerned as expeditiously as possible. The proceedings shall be concluded within a period of three (03) months thereafter. Till such time, subject to outcome of the proceedings before the 4th respondent pursuant to the notice dated 12.01.2023, the 4th respondent is directed to maintain *status quo* with respect to the subject land covered under the notice dated 12.01.2023.

7. Accordingly, the writ petition is disposed of. There shall be no order as to costs.

As a sequel, Miscellaneous Petitions pending, if any, shall stand closed.

JUSTICE B KRISHNA MOHAN

24.02.2023
PGT