

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

W.P.No.27248 of 2015

ORDER:

The petitioner claims to be in peaceful possession and enjoyment of land to an extent of Ac.1.50 cents in R.S.No.305/3 of Taduvai Village and Gram Panchayat, Jangareddigudem Mandal, West Godavari District.

2. The petitioner claims that earlier, when there was a threat from Taduvai Gram Panchayat, he instituted O.S.No.529 of 1994 on the file of the I Additional Junior Civil Judge, Kovvur and the suit was decreed in his favour on 27.7.2001. While so, the Tahsildar, Jangareddigudem - respondent No.3 is now trying to interfere with the possession and enjoyment to the property by illegal means and threatening to evict the petitioner. Having come to know about the motive of the Tahsildar, a notice was issued on behalf of the petitioner on 10.8.2015 to the Tahsildar explaining in detail the earlier litigation and his possession and enjoyment for a long time. Instead of responding to the notice, the Tahsildar is threatening to evict the petitioner. Hence, this writ petition.

3. Learned Assistant Government Pleader representing the Revenue Department (Andhra Pradesh) appearing for respondent Nos.1 to 3 submits that the petitioner is an encroacher of Government land and in fact, proper steps are taken to evict him and on 14.8.2015, a notice was issued to him.

4. The only grievance of the petitioner in this writ petition is that he cannot be evicted from the aforementioned land without following the due process of law and if a notice is served on him, he would establish the ownership rights vested in the aforementioned land. The

respondents now say that a notice was issued on 14.8.2015 and the same was served on the petitioner. If the notice is not served, the Tahsildar shall ensure that a notice is served on the petitioner. The petitioner shall file his explanation within a period of two (2) weeks from the date of receipt of a copy of this order, or within two (2) weeks from the date of service of notice, if it is not already served. After considering the explanation submitted by the petitioner and after affording an opportunity of personal hearing to the petitioner, the respondents shall pass appropriate orders, and without following the due process of law, the petitioner shall not be evicted from the aforementioned land.

5. With the above direction, the Writ Petition is disposed of at the stage of admission. There shall be no order as to costs.

6. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE P.NAVEEN RAO

Date: 27.8.2015
AMD

-

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

-
-
-
-
-
-
-
-
-
-
-
-
-

-
-
-
-
-

-
-
-

W.P.No.27248 of 2015

-

-

DATE: 27.8.2015

AMD