

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

Writ Petition No.22701 of 2015

Between:

Smt.Pyari Jan and another

... Petitioners

and

The State of Andhra Pradesh
Rep. by its Secretary,
Department of Revenue,
Secretariat buildings,
Hyderabad and three others.

... Respondent(s)

DATE OF JUDGMENT PRONOUNCED: 24th July, 2015.

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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| <u>1</u> | <u>Whether Reporters of Local newspapers</u>
<u>may be allowed to see the Judgments?</u> | <u>Yes/No</u> |
| <u>2</u> | <u>Whether the copies of judgment may be</u>
<u>marked to Law Reports/Journals</u> | <u>Yes/No</u> |
| <u>3</u> | <u>Whether Their Ladyship/Lordship wish to</u>
<u>see the fair copy of the Judgment?</u> | <u>Yes/No</u> |

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THE HONOURABLE SRI JUSTICE VILAS V. AFZULPURKAR

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WRIT PETITION No.22701 OF 2015

ORDER:

Petitioners question the eviction notice dt.07.07.2015 served on them under Section 6 of A.P. Land Encroachment Act,1905.

The primary allegation in the affidavit is that petitioners were never served with Section 7 notice and straightaway Section 6 notice was invoked.

The Government Pleader for Revenue placed instructions, which speak that Section 7 notice was issued to forty persons including the petitioner alleging that each one of them have encroached on Ac.0.02 cents of government land in Sy.No.185/3 of Kalakada village and Mandal, Chittoor District and subsequently notice under section 6 of the Act is issued but no objections/explanation were received from any of them.

Counsel for the petitioners also verified the notice dt.22.05.2015 issued under Section 7 of the Act, which is subsequently followed by the impugned notice dt.07.07.2015 under Section 6 of the Act.

Counsel for the petitioner further stated that petitioners have already applied for regularization under G.O.Ms.No.166, dt.16.02.2008 and the 2nd respondent in his proceedings dt.06.03.2009 also recommended that petitioners are in possession of the subject lands over 30 years.

Since the petitioners have already applied for regularization under G.O.Ms.No.166, dt.16.02.2008, it is for them to pursue their application. However, to the extent of present proceedings are concerned, since notice under Section 6 of the Act is already issued, if the petitioners are aggrieved, they have to approach the appellate authority as an efficacious remedy of appeal is available to them against the order impugned. Hence, the present writ petition does not deserve to be entertained.

However, as per the proceedings of the 2nd respondent dt.06.03.2009 petitioners are in possession of the subject lands over 30 years, status quo existing as on today shall be maintained for a period of two (02) weeks within which time petitioners may approach the appellate authority and seek appropriate orders.

With the above direction, the Writ Petition is disposed. There shall be no order as to costs.

As a sequel, miscellaneous applications pending if any, shall stand dismissed.

VILAS V. AFZULPURKAR, J

24th July, 2015.

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