

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.16532 OF 2014

ORDER:

Heard the learned counsel for the petitioners and the standing counsel.

The petitioners pray for Mandamus declaring the action of respondents in interfering with petitioners' peaceful possession of 200 square yards each in Survey No.183 of Nadupuru Village, Madheena Bagh, Visakhapatnam without following the procedure stipulated under the Land Acquisition Act/ Land Encroachment Act, as arbitrary and unconstitutional.

The main grievance of petitioners is that respondent No.3 calls upon the petitioners to vacate from the land in their possession without notice under the Land Encroachment Act or initiating proceedings for acquisition of the petition land. Without undertaking an exercise under one enactment or the other, the threatened dispossession by respondents is illegal and unconstitutional.

Learned standing counsel submits that the property belongs to Visakhapatnam Steel Plant. The notice is issued by the Estate Administration calling upon the petitioners to vacate from the open plots belonging to Visakhapatnam Steel Plant and the notice further says that if the petitioners do not vacate from the plots in their possession, necessary action as deemed fit and proper will be initiated against the petitioners.

Having perused the notice dated 12.04.2014 I have no reason to doubt that the respondents before intending to act in accordance with law have issued the notice referred to as Ex.P.1 in the writ petition. The notice (Ex.P.1) is an intimation calling upon the petitioners to voluntarily vacate and hand over the open plots in their possession to respondents. If the petitioners have already represented their grievance, the same will be considered by the authorities and action will be taken in accordance with law for securing vacant possession of the subject plots. The writ petition is filed on mere apprehensions.

The writ petition is misconceived and dismissed. No order as to costs.

Miscellaneous petitions pending, if any, in the writ petition shall stand closed.

S.V.BHATT, J

Date: 08.04.2015

Stp