

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT
HYDERABAD

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

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PUBLIC INTEREST LITIGATION No. 13 OF 2015

Date: 15.06.2015

Between:

Shaik Ibrahim

... Petitioner

And

The State of A.P. rep., by its Principal Secretary,

Revenue Department,

Hyderabad and others

... Respondents

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

PUBLIC INTEREST LITIGATION No. 13 OF 2015

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard learned counsel for the parties.

In this public interest litigation, the petitioner has made the following prayer:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue order or orders or direction or writ, more particularly in the nature of the writ of Mandamus, the inaction of the official respondents in not considering the petitioner's representation dated 21.03.2013 and also not evicting the unofficial respondents from the Government land, which was allotted to school situated at Sy.Nos.39 and 40 of Chintalapalem Area, Bestavaripeta Mandal, Prakasam District is illegal, arbitrary and violative of Articles 14, 19, 21 and 300-A of the Constitution of India and consequently direct the official respondents to demolish the illegal house construction made by the unofficial respondents in the Government land which was allotted to school situated at Sy.Nos.39 and 40 of Chintalapalem Area, Bestavaripeta Mandal, Prakasam District, and pass other order or orders may deem fit and proper in the circumstances of the case.”

Sri A. Veera Swamy, learned Government Pleader, on instructions, submits that so far as Sy.No.39 is concerned there exists a canal and in Sy.No.40 there is a school building to the extent of Ac.0.34 cents. He submits that Sy.No.40 is Ac.0.62 cents out of which there is an encroachment to the extent of Ac.0.19 cents by respondent Nos.10 to 12 and one another. He submits that respondent No.7 - Tahsildar has already initiated action by issuing notice against the encroachers. Keeping that in view and considering that the action has already been initiated, learned counsel for the petitioner submits that the petitioner would be satisfied if the directions are given to the concerned respondents to decide the notice issued to respondent Nos.10 to 12 within timeframe.

Learned counsel appearing for respondent Nos.10 to 12 submits that the concerned authority may be given direction to follow the due process of law for finding whether there is any encroachment in Sy.No.40 and if there is, to further follow the due process of law for their eviction.

Having considered the submissions of the learned counsel for the parties we are satisfied that the following order will meet the ends of justice.

“Respondent No.7 – Tahsildar, if has already initiated action against respondent Nos.10 to 12 and one another for the alleged encroachment, he shall complete

the enquiry after giving them an opportunity of being heard, as expeditiously as possible and preferably within a period of four months from the date of receipt of this order. If he has not initiated the action as aforementioned, he shall initiate the same within a period of four weeks from the date of receipt of this order and shall conclude the same within a period of four months therefrom. It is needless to mention that respondent No.7 shall follow the due process of law for removing the alleged encroachment.”

With these observations, the petition is disposed of. While disposing of the petition it is made clear that we have not examined merits of the case.

Miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

Date: 15.06.2015

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