

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

PRADESH
(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No. 21078 of 2015

BETWEEN

K.Hari babu and another

... PETITIONERS

AND

The Tahisldar, Martur, Prakasam District and others

...RESPONDENTS

The Court made the following:

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ORDER:-

Heard.

2. Petitioners state that they are in enjoyment of the land to an extent of Ac.1-20 cents in survey No.710 of Dronadula Village, Martur Mandal, Prakasam District, for the last over five decades and claims that a patta was also issued in their favour to the extent of Ac.0-50 cents. Alleging that respondent No.1 visited petitioners' land on 04.07.2015 and threatened eviction, this writ petition is filed.

3. Learned Assistant Government pleader has received instructions from respondent No.1, who states that an extent of Ac.1-20 cents in survey No.710 of Dronadula Village of Martur Mandal is shown in the revenue records as Kunta and though provisional assignment orders were issued to the petitioner in the year 1970, he was served with a notice under Section 7 in the year 1994. It is further stated that in view of the Neeru-Chettu programme of the Government, the said Kunta is proposed to be deepened and for that purpose encroachers are required to be evicted.

4. Apparently in the past petitioners were issued a notice under Section 7, but no further action was taken after issuance of notice. Since the petitioner continues to be in possession for longer period and if respondent No.1 finds that petitioner is occupying any part of the said Government land, it is necessary for respondent No.1 to follow due process of law.

5. Hence, the writ petition is disposed of directing respondent No.1 not to take any forceful or coercive action against the petitioner except after giving notice to him and opportunity to submit explanation and pass appropriate orders in accordance with law.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

July 13, 2015
LMV