

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 13495 of 2015

ORDER:

Petitioners filed this Writ Petition challenging the notices No.210/2015, dated - 2.2015.

2. Heard learned counsel for the petitioners as well as the learned Government Pleader Sri Bhaskar Reddy.

3. Notices No.210/2015, dated -2-2015 came to be issued at the instance of the Executive Engineer, R&B, Division, Wanaparthy, which reads as under:

**GOVERNMENT OF TELANGANA
OFFICE OF THE TAHSILDAR, KOLLAPUR**

No: C/210/2015 Date: -02-2015

NOTICE

To:

G.Narsing Rao, Jagadish Cloth Stores

Sub:- R & B Road widening – H.No: 1-10-177 – removal of house/shop from 50 feet – Regarding:

Ref: - Letter of the executive Engineer, R & B Division, Wanaparthi No: DB/Encroachment/2014-15 Date: 12-2-2015.

In reference to the subject cited above, it is hereby informed you that R & B officials proposed to widen the existing road with 50' from the centre point on two sides and the R& B authorities required to leave the 50' feet road on two sides. Therefore, you are hereby required to remove the place occupied by you measuring 19' length and 17' width within fifteen days from the date of receipt of this notice. Government will not be responsible for the loss sustained by you.

Sd/-

Tahsildar, Kollapur

4. The trigger for the issue seems to be the visit of the Minister for Major Industries of Telangana State to the Kollapur town, who desired the road to be widened. 3rd respondent-The Executive Engineer, R&B, Wanaparthy Division, could not have said which properties are encroached and who are all the encroachers. However, the Executive Engineer's communication to the 4th

respondent-Tahsildar itself reveals that he had already come to the conclusion that the owners / occupiers of the land on the two sides of the roads i.e., Kollapur – Molachintalapally road from Km.0/0 to 0/6 and Kollapur – Yaparla road from Km.0/0 to 0/6, are encroachers and desires to evict all those encroachers. 4th respondent-Tahasildar in turn, based on the intimation given by the Executive Engineer, immediately thereafter had issued the impugned notices. There is no effort made by the 4th respondent-Tahsildar before coming to the conclusion with regard to the persons, who are in occupation of the land are encroachers, if so to what extent they have encroached. The issuance of such notices is without any preparatory work which is required to be done and exercise which is required to be made for identifying the encroachers and nature of encroachments. Unfortunately, the impugned notices were issued solely based on the requisition of the 4th respondent- Executive Engineer, as is evident from the Executive Engineer's letter dated 12.02.2015. In the light of the fact that there is no application of mind in issuing the said notices, the same are liable to be set aside and accordingly the impugned notices are set aside. However, the respondents are at liberty to take appropriate steps including eviction of the encroachers and removal of encroachments after issuance of notices and conducting enquiry as applicable under the applicable laws.

5. Accordingly, the Writ Petition is allowed at the admission stage. No costs. Miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

CHALLA KODANDA RAM, J

30th April, 2015

ksm