

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.11845 of 2015

ORDER:

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

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

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

ROADS & BUILDINGS DEPARTMENT

From To

Sri K.VISHWANATHAM, M.E., The Tahasildar,

Executive Engineer (R&B) Kollapur.

Division, Wanaparthy.

Lr.No.DB/D1/Encroachments/2014-15, Dt:12-02-2015.

Sir,

Sub: (R&B) Department – List of encroachments of Kollapur Town portion on Kollapur – Molachintalapally road from Km.0/0 to 0/6 and Kollapur – Yaparla road from Km.0/0 to 0/6 – Submitted – Regarding.

Ref: 1)Instructions of Hon'ble Minister for Major Industries of Telangana State, Sri Jupally Krishna Rao Garu, dated:10-2-2015.

2) Dy.Executive Engineer (R&B) Sub-Division, Wanaparthy
Lr.No.:DEE/R&B/W/2014-15, Date:11-02-2015

With reference to subject cited I am herewith submitting the list of encroachment of Kollapur Town portion on Kollapur – Molachintalapally road from Km.0/0 to 0/6 and Kollapur – Yaparla road from Km.0/0 to 0/6 as per the instructions of the Hon'ble Minister for Major Industries of Telangana State Sri Jupally Krishna Rao Garu during the inspection of Kollapur Town portion on 10-02-2015 and the

Tahasildar, Kollapur is requested to take necessary action for eviction of the encroachments at an early date. So as to facilitate the users of the road the optimum services.

Yours faithfully,

Encls: List of encroachments.

Executive Engineer (R&B)

Division, Wanaparthy.”

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-Tahasildar 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-Tahasildar 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 the eviction of the encroachers and removal of encroachments after issuance of notices and conducting enquiry as applicable under the applicable laws.

Accordingly, the Writ Petition is allowed at the admission stage. There shall

be no order as to costs. Miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

CHALLA KODANDA RAM, J

Date:22.04.2015

Ssv