

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

Writ Petition No.20851 of 2015

Between:

Smt. Anipe Satyavathi

... Petitioner/s

and

The State of Andhra Pradesh
Rep. by its Principle Secretary,
Revenue Department,
Secretariat, Hyderabad and four others.

... Respondent(s)

DATE OF JUDGMENT PRONOUNCED: 24th July, 2015.

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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| <u>1</u> | <u>Whether Reporters of Local newspapers</u>
<u>may be allowed to see the Judgments?</u> | <u>Yes/No</u> |
| - | | |
| <u>2</u> | <u>Whether the copies of judgment may be</u>
<u>marked to Law Reports/Journals</u> | <u>Yes/No</u> |
| - | | |
| <u>3</u> | <u>Whether Their Ladyship/Lordship wish to</u>
<u>see the fair copy of the Judgment?</u> | <u>Yes/No</u> |

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THE HONOURABLE SRI JUSTICE VILAS V. AFZULPURKAR

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WRIT PETITION No.20851 OF 2015

ORDER:

Petitioner claims that she is in possession of Ac.0-13 cents in

R.s.No.29 of Vakkalanaka village of Ambajipeta Mandal, East Godavari District, from the time of her father Dara Subbarao for more than 75 years and that they have paid taxes. She also produced receipt for the year 2004, dt.27.12.2004 as Exs.P1 and P2. Petitioner states that she was given notice to under Section 7 of the Land Encroachment Act 1905 in the year 1993 but no orders were passed. Again in the year 1994, the Village Administration Officer issued another notice under section 7 of the Act to her but no orders passed till date. Petitioner further states that she has been in continuous possession of the above property and eviction of the petitioner without following due procedure is not permitted under law.

The instructions of the Government Pleader (Revenue) received from the Tahsildar shows that as per the revenue records the land of Ac.1.46 cents in RS.No.29 is classified as road and no patta was given either to the petitioner or her family members and after formation of road, the remaining extent of Ac.0.13 cents is kept vacant from long back and no crop is cultivated and that the petitioner is not paying any land revenue. The said piece of land appears to have been identified as dumping yard under 'Swacha Bharat' and the bushes on the said land were cleared under NREGS scheme in the month of April, 2015. At that time, since the petitioner obstructed the works, she was given time to produce copies of patta and receipts of land revenue, but the petitioner did not turn up.

Evidently, there is no notice issued to the petitioner recently and the earlier notices are of the year 1993 and 1994 without being followed by any further action.

In the circumstances, 4th respondent shall issue appropriate notice to the petitioner afresh, so that the petitioner be in a position

to file her objections/explanation and 4th respondent shall thereafter consider the same and pass appropriate orders in accordance with law. The dispossession of the petitioner without following due procedure under law shall remain stayed subject to the orders passed by the 4th respondent as directed above.

With the above direction, the Writ Petition is disposed of.
There shall be no order as to costs.

As a sequel, miscellaneous applications pending if any, shall stand dismissed.

VILAS V. AFZULPURKAR, J

24th July, 2015.
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