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THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 6947 of 2015

ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for Revenue.

2. This writ petition is filed seeking to declare the action of respondents 2 and 3 in attempting to dispossess the petitioners from the residential houses bearing Door Nos.8-1-509, 8-1-508 and

8-1-507 respectively, constructed in an extent of Ac.0.09 cents in Sy.No.960/1 of Madakavaripalli, Badvel Town, Gopavaram Mandal, Y.S.R.District, without considering their representations dated 09.03.2015 submitted in pursuance of notices issued under Section 7 of A.P.Land Encroachment Act, 1905 (for brevity 'the Act').

3. The petitioners claim to have occupied small extents of lands in Sy.No.960/1 situated at Madakavaripalli, Badvel Town, Gopavaram Mandal, Y.S.R. District and they have been in possession of those lands by constructing houses. While so, it is stated that the 4th respondent-Tahsildar issued them individual notices under Section 7 of the Act, 1905 to show case as to why they shall not be summarily evicted from the subject lands. Then, the petitioners submitted a common explanation/representation dated 09.03.2015 stating that the they are in possession and enjoyment of the said lands for more than 30 years and have constructed pucca buildings after obtaining building plan approval from Badvel Municipality in the year 2008 and are paying the property tax and electricity charges regularly. Now, the petitioners'

grievance is that the 4th respondent, without considering their explanations/representations, issued notices under Section 7 of the Act and without making any enquiry as to the existence or otherwise of the alleged lands with reference to the revenue records, is taking steps to dispossess them from their occupation. Hence, the present writ petition is filed seeking appropriate directions and to set aside the impugned notices.

4. Learned counsel for the petitioners contended that the action of 4th respondent in issuing notices under Section 7 of the Act without passing any order under Section 6 of the Act and trying to dispossess the petitioners from the schedule lands is illegal and arbitrary, and he prays to set aside the impugned notices while directing the respondents not to take coercive steps to dispossess them from the lands in question.

5. Learned Government Pleader for Revenue appearing for the respondents submitted that the lands in issue are Government lands and the petitioners occupied the said lands and constructed temporary houses therein.

6. The material on record shows that the 4th respondent has issued notices under Section 7 of the Act to the petitioners and others calling for explanation / objections as to why they cannot be evicted, for which, the petitioners filed their explanations/representations dated 09.03.2015. Their grievance is that the 4th respondent without considering the said representations and without passing any order as is required under Section 6 of the Act, is trying to dismantle the constructions made for their residential purpose.

7. Having considered the rival submissions and having regard

to the fact that the respondents, without considering the explanation/representations dated 09.03.2015, are trying to evict the petitioners from the land in question, I deem it appropriate to dispose of the writ petition directing the respondents to consider the common representation dated 09.03.2015 said to have been submitted by the petitioners and pass appropriate orders thereon in accordance with law. Till such time, the petitioners shall not be evicted/dispossessed from the lands in question.

8. With the above direction, the writ petition is disposed of. No order as to costs. As a sequel to the disposal of the writ petition, Miscellaneous Petitions, if any pending, shall stand closed.

CHALLA KODANDA RAM, J

18th March, 2015

sj