

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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Writ Petition No.643 of 2015

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ORDER:

The petitioners claim to be in possession of tank bed land in survey No.94 of Bhadrachalam Village and Mandal, Khammam District, since a decade. While so, the Tahsildar, Bhadrachalam, the 1st respondent herein, issued notices under Section 7 of the Andhra Pradesh Land Encroachment Act, 1905 (for short 'the Act'), for eviction of the petitioners. The grievance of the petitioners is that without giving any opportunity to place their case, they were sought to be evicted from the said land. Hence, this writ petition.

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

It is an admitted fact that the petitioners occupied the tank bed area and have been in possession and enjoyment of the same since a decade. However, the 1st respondent issued notices for their eviction directly, even without giving opportunity to submit their explanation.

It is well-settled that without passing any orders under Section 6 of the Act, the petitioners shall not be evicted.

In that view of the matter, the respondents are directed to consider the explanation that may be submitted by the petitioners and pass appropriate orders in accordance with law. It is needless to mention that without passing orders under Section 6 of the Act, the petitioners shall not be dispossessed. However, this observation shall not be construed as a direction to the respondents not to take action in accordance with law.

Learned counsel for the petitioners submits that the petitioners submitted applications to the respondents for grant of

house site pattas.

So far as the applications said to be pending for grant of house site pattas are concerned, that being an independent aspect, the authorities shall consider the same as per the entitlement of the petitioners and pass appropriate orders.

Subject to the above directions and observations, the writ petition is disposed of at the stage of admission. There shall be no order as to costs.

The miscellaneous petitions filed in this writ petition shall also stand disposed of.

CHALLA KODANDA RAM, J.

Date:27.01.2015
GJ