

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.28102 of 2015

ORDER:

The petitioners, who are seven in number have paid separate court fee, but filed the common writ petition questioning separate eviction notices given to each of them. Though the proceeding number and date may be identical, each petitioner ought to have filed separate writ petition and the Registry ought not to have entertained a common writ petition of this nature. It has to be noticed of late that the Registry is permitting such common writ petitions to be filed though separate impugned orders are questioned by each petitioner. The Registry must keep in mind that a common writ petition of more than one petitioner is permitted to be filed only when the cause of action is common to all of them. Consequently, therefore, when there are separate impugned proceedings for each petitioner, Registry must require the learned counsel for the petitioners to file separate writ petition for each of them and mere payment of collective court fee is not a criteria.

In any case, since the writ petition is already been heard and in view of the eviction orders passed against the petitioners, the writ petition is entertained and is being disposed of by way of the present order.

Each of the petitioners claim that they have been granted house site pattas in the year 1999 and they are in occupation and enjoyment of the respective house plots. While so, the impugned notices under Section 6 of the A.P.Land Encroachment Act (for short 'the Act') bearing No.B/1860/2015, dated 13-07-2015, are issued by the 4th respondent on each of the petitioner separately, which is in identical proforma with the same proceeding number and date and the said impugned proceedings are not preceded by any notices under Section 7 of the Act nor any opportunity to any of the petitioner to submit their objections. Since the impugned proceedings are clearly opposed to the provisions of the Act, the eviction as directed in the said

impugned proceedings cannot be upheld. The petitioners state that they have already filed a detailed representation before the Principal Secretary Revenue (Irrigation) Department on 17-07-2015.

Since the impugned proceedings are issued by the 4th respondent, it is imperative that the said proceedings be treated as notices under Section 7 of the Act. The petitioners are permitted to file their separate explanations to each of the notices served on them, within two weeks from the date of receipt of a copy of this order. Thereafter, the 4th respondent shall consider the explanations submitted by the petitioners and pass a reasoned order under Section 6 of the Act either for eviction or for dropping of the proceedings. Till the aforesaid exercise is completed, the impugned proceedings to the extent of directing eviction of the petitioners shall remain stayed and shall be subject to further orders that would be passed by the 4th respondent, as directed above.

Accordingly, the writ petition is disposed of. No order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 02-09-2015

Note:

Copy to the

Registrar (Judicial)

(B/o)

Prv

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.28102 of 2015

Dated 02-09-2015

Prv