

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

THURSDAY, THE NINETH DAY OF APRIL
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE MR JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION Nos.9765, 9778 & 9826 of 2015

WP.No.9765 of 2015

Between:

Mora Jayalakshmi and 10 others

..... PETITIONERS

AND

The State of Andhra Pradesh,

Rep.by its Principal Secretary,

Irrigation & CAD Department,

Secretariat Buildings,

Hyderabad and 2 others

.....RESPONDENTS

WP.No.9778 of 2015

Between:

Udumula Gunda Reddy and 10 others

..... PETITIONERS

AND

The State of Andhra Pradesh,

Rep.by its Principal Secretary,

Irrigation & CAD Department,

Secretariat Buildings,

Hyderabad and 2 others

.....RESPONDENTS

WP.No.9826 of 2015

Between:

Korapati Leelavathi and 10 others

..... PETITIONERS

AND

The State of Andhra Pradesh,

Rep.by its Principal Secretary,

Irrigation & CAD Department,

Secretariat Buildings,

Hyderabad and 2 others

.....RESPONDENTS

The Court made the following:

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION Nos.9765, 9778 & 9826 of 2015

COMMON ORDER:

All these three writ petitions are similar and each petitioner questions the notice issued by the 3rd respondent-Assistant Executive Engineer, Irrigation & CAD Department, Tenali Section, Tenali, dated 09.02.2015 requiring each petitioner to remove the unauthorized structures like thatched houses and sheds which are alleged to be unauthorizedly constructed on the canal bund.

Similar issue came up before this Court in W.P.No.4521 of 2015 where the very same notice was questioned by the other petitioners. The said writ petition was disposed of by order dated 26.02.2015, giving liberty to the respondents to take appropriate proceedings under the provisions of Andhra Pradesh Land

Encroachment Act.

Learned Government Pleader for Irrigation on instructions states that they have already communicated to the Tahsildar concerned to take appropriate proceedings under the provisions of Andhra Pradesh Land Encroachment Act.

In view of the above, the impugned notice cannot be enforced and the respondents shall not dispossess the petitioners in pursuance of the impugned notice, however, it is open for the respondents to initiate appropriate action through the revenue authorities under the Andhra Pradesh Land Encroachment Act by following due procedure.

These three Writ Petitions are accordingly disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in consequence.

VILAS V. AFZULPURKAR,J

Date: 09.04.2015

Dsr