

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

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WRIT PETITION No.29548 of 2015

BETWEEN

Smt. Kotu Anitha and another.

... PETITIONERS

AND

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

...RESPONDENTS

DATE OF JUDGMENT PRONOUNCED: 05.10.2015

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

1. Whether Reporters of Local newspapers may be No
allowed to see the Judgments?
2. Whether the copies of judgment may be marked No
to Law Reporters/Journals?
3. Whether Their Ladyship/Lordship wish to see the No
fair copy of the Judgment?

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ORDER:

Though the fifth respondent is not yet served, in view of the order proposed to be passed, it is not necessary to serve notice on the fifth respondent.

2. On 11.09.2015, when this writ petition was heard, it was, *prima facie*, found that the impugned order of the Revenue Divisional Officer recording that the petitioners have encroached on the land in Sy.No.1235 of Karedu village was recorded without notice to the petitioners. Hence, the impugned order dated 20.08.2015 was stayed for a period of four weeks and learned Government Pleader was asked to get instructions.

3. Learned Government Pleader now states, on instructions, that before passing the impugned order, the RDO conducted detailed enquiry by issuing notice to the petitioners as well as the fifth respondent to attend the enquiry. Hence, RDO issued directions to the Tahsildar, Ulvapadu to conduct fresh enquiry and fresh survey in the presence of the Deputy Executive Engineer, Irrigation and also clear the encroachments.

4. Since finding as to encroachment by the petitioners is stated to have been recorded without notice to the petitioners, the interim stay of the impugned order to that extent including direction to clear the encroachments shall continue and in the meanwhile, the fourth respondent shall complete fresh enquiry including survey after notice to all the parties and submit survey report before the RDO.

The RDO shall, thereafter, issue notice to both parties and verify the survey report and conduct enquiry and pass appropriate orders.

The writ petition is disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

October 5, 2015

DSK