

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.33204 of 2015

ORDER:

Heard.

All the petitioners were given separate notices under Rule 3 of the A.P.Assigned Lands (Prohibition of Transfers) Rules, 1977 on 29-04-2015 calling upon them to show cause as to why action should not be taken against them for their eviction from the lands in question as they are in unauthorized possession of the said lands. Each of the petitioners stated to have given identical replies on 01-06-2015 alleging that they have not violated any law. The said proceedings are pending with the 4th respondent and final orders are not yet passed. While so, the present writ petition is filed alleging that 4th respondent addressed a letter to the 5th respondent on 23-07-2015 seeking to provide police assistance for protection of ceiling land from encroachers or enjoyers until settlement of POT case.

Learned counsel for the petitioners states that notices under Rule 3 are given to each one of the petitioner pre-supposes that they are in possession and enjoyment of the land in question and they cannot be evicted without following due process of law. It is also pointed out that when the proceedings are still pending with the 4th respondent under the POT Act, he cannot take assistance of the police to protect the land from encroachers or enjoyers till settlement of POT case.

Learned Government Pleader submits that only on account of the law and order problem, the 4th respondent sought police protection from the 5th respondent.

Evidently, the proceedings under the POT Act are pending with the 4th respondent, who had already issued notices and has received representations/objections from the petitioners. It is for the 4th respondent to consider the said claim and take final decision in the matter. Obviously, till an appropriate decision is taken by the 4th respondent, the petitioners, who are

in possession of the lands in question, cannot be disturbed. In that view of the matter, taking police assistance to dispossess the petitioners is clearly not warranted.

The writ petition is, therefore, disposed of directing the 4th respondent to consider the replies submitted by each of the petitioner in response to the show-cause notices and then take appropriate final decision in the matter in accordance with law. The 4th respondent shall also ensure that neither he nor the 5th respondent shall interfere with the possession and enjoyment of the petitioners from their respective lands, which are subject matter of show-cause notices, referred to above. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 27-10-2015

Prv

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