

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.33313 of 2013

ORDER :

In this Writ Petition, the petitioner assails proceedings in Letter No.2G1, dt.26.08.2013 issued by 3rd respondent asking the petitioner to vacate Acs.2.00 cents of land which according to 3rd respondent falls within the Venkatachalam (Peddagunta Cheruvu) Tank, forming part of Kanupur Canal System.

2. The learned Government Pleader, appearing for respondents, has not been able to point out any provision of any law empowering the 3rd respondent to evict persons in occupation of land.

3. It is not disputed by the learned Government Pleader for Irrigation that encroachers can only be evicted by invoking the Andhra Pradesh Land Encroachment Act, 1905, or by filing a civil suit.

4. Since admittedly, this procedure has not been followed and since the 3rd respondent is not shown to have jurisdiction to issue the impugned notice, the impugned notice is quashed.

5. However, liberty is given to respondents to follow

due process of law if they intend to evict the petitioner from the land in his occupation. Therefore, the Writ Petition is allowed. No order as to costs.

6. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 15-12-2015

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