

THE HON'BLE SRI JUSTICE R. KANTHA RAO

WRIT PETITION No.4521 OF 2015

—
DATED: 26.02.2015
-
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Between:

Nakka Durga Rao and others

.. Petitioners

And

The State of Andhra Pradesh,
I&CAD Dept.,
Rep. by its Principal Secretary,
Secretariat Buildings, Hyderabad, and others.

.. Respondents

THE HON'BLE SRI JUSTICE R. KANTHA RAO

WRIT PETITION No.4521 of 2015

—
ORDER:

Notice dated 09.02.2015 issued by the 3rd respondent is impugned in the present writ petition on the ground that the 3rd respondent has no authority or jurisdiction to issue such notice.

In the impugned notice, it is mentioned that the petitioners have been in unauthorized occupation of canal bund, which is vested in the Irrigation Department, and therefore the petitioners were directed to remove the encroachments. In any event, only the revenue authorities can remove such encroachments, by taking recourse to the provisions of Land Encroachment Act, and the authorities of the Irrigation Department cannot by themselves remove the encroachments. However, since the property is said to be vested in the Irrigation Department, the 3rd respondent has got right to initiate action for removal of encroachments thereupon. However, any such action for

removal of encroachments must be taken according to the procedure established by law.

In the circumstances, the writ petition is disposed of with a direction to the respondents not to dispossess the petitioners from the subject land without recourse to the due procedure of law.

Pending miscellaneous petitions, if any, shall also stand closed.

No order as to costs.

JUSTICE R. KANTHA RAO

26th February, 2015

Note:-

Issue C.C. by 02.03.2015

(B/o)

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