

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

Writ Petition No.28881 of 2015

ORDER:

The petitioners are aggrieved by the common notice dated 03.08.2015 issued by the Revenue Divisional Officer, Eluru, the 3rd respondent herein, under Section 7 (a) of the Andhra Pradesh Land Encroachment Act, 1905, alleging that they are the encroachers over an extent of Ac.0.71 cents in Survey No.3 of Kalaraigudem Revenue Village, Lingapalem Mandal, West Godavari District. It is stated to have been affixed on the notice board of the Gram Panchayat on 04.08.2015.

Learned counsel for the petitioner points out that a common notice was issued to 23 persons, which is against the requirement of law.

On the last date of hearing, learned Government Pleader was required to get instructions as to why common notice was issued, instead of individual notices.

The instructions received by the learned Government Pleader from the 4th respondent show that 23 encroachments were identified and therefore the common notice was issued by affixing the same in the Gram Panchayat Office. The instructions further show that the petitioners are not encroachers and all the encroachers have already voluntarily vacated the subject land.

In the above circumstances, it is not clear as to what is the stand of the 4th respondent as against the petitioners. Moreover, the petitioners claim in the affidavit that they are holding pattas granted to them long back.

In similar circumstances, through order dated 28.08.2015, passed in W.P.No.27481 of 2015, issuance of common notice was not approved by this Court.

In view of the above and following the said judgment, the impugned common notice dated 03.08.2015 is set aside. The matter shall stand remitted to the 4th respondent, who is at liberty to issue fresh individual

show cause notices, if required, and then follow due process of law.

The writ petition is accordingly disposed of. No order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 11-09-2015

GJ

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