

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

TUESDAY, THE SECOND DAY OF MAY
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.14111 of 2015

BETWEEN

Pamuru Seetaravamma

... PETITIONER

AND

State of Andhra Pradesh, rep. by its Principal Secretary and others

...RESPONDENTS

The Court made the following:

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ORDER:

Heard.

2. Petitioner claims that her husband was allotted house site in an extent of 4½ ankanams (equivalent to 36 sq.yards) by Tahsildar, Rapuru vide orders dated 27.12.1979 and an RCC building was constructed in the said site. After the demise of the petitioner's husband, she converted front portion of the house into a small shop and is residing in the back side portion. On the ground that petitioner has encroached on the Government land to the extent of 383 square feet in survey Nos.163 and 190, she was given a notice by respondent No.3 dated 01.02.2015 under Section 7 of the A.P. Land Encroachment Act, 2005 (for brevity, "the Act"). Similar such notices were given to all the encroachers in pursuance of directions of this court in PIL No.240 of 2014 dated 12.09.2014. After conducting of due survey the encroachments were identified and the Tahsildar gave notices to all including the petitioner and after considering the explanation final order is passed under Section 6 of the Act, dated 17.11.2014. Questioning the same, the present writ petition is filed. Petitioner *inter alia* states that she is not a party to the PIL and that her house site is covered by patta.

3. Evidently, the order passed by the Tahsildar under the Act is appealable under Section 10 of the Act. By-passing the said appellate remedy, the present writ petition seeking Mandamus is not maintainable. Petitioner, therefore, is at liberty to avail alternative remedy and seek appropriate relief from the appellate authority.

With the liberty aforesaid, 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

June 2, 2015/Lmv