

THE HONOURABLE MR JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.3248 of 2016

-

ORDER

Heard learned counsel for the petitioners and learned Government Pleader for Revenue for respondents 1 to 3 and Smt J. Koteswari Devi, learned Standing Counsel for respondent No.4.

2. The petitioners filed the present writ petition questioning the action of the 3rd respondent in directing the 4th respondent to disconnect the power supply from the transformer situated in Sy.No.1 of Yeluru Village, Chittamuru Mandal, Nellore District. Petitioners state that they have been allotted land to an extent of Ac.0.65 cents in Sy.No.2-1A in the said village and they have nothing to do with the land in Sy.Nos.1 and 3. The impugned notice u/s.7 of the A.P. Land Encroachment Act, 1905 (for short 'the Act'), was issued by the 3rd respondent to the alleged encroachers in Sy.Nos.1 and 3 and it is also stated across the bar that pursuant to the said notice, a further notice u/s.6 of the Act has also been issued on 28.01.2016. Petitioners further state that since their land is situated in Sy.No.2-1A and since they have not concerned with Sy.Nos.1 and 3, they have not responded to the said notice u/s.7 of the Act and that the notice under Section 6 of the Act has not been served on them.

3. Learned Government Pleader for Revenue has placed before the Court a copy of the letter issued by the Tahsildar to the

4th respondent in Rc.No.10/2016 dated 05.01.2016 with reference to encroachers in Sy.No.1 and 3, wherein he stated that the Government land is encroached and prawn culture is being carried out and he requested the 4th respondent to remove the existing electricity connections and not to grant any electricity connection.

4. Petitioners state that the transformer referred to is allotted in Sy.No.1 and the petitioners also have been given electricity connection through the same transformer. Insofar as disconnecting the electricity connections to the encroachers in Sy.Nos.1 and 3 are concerned, the petitioners have no objection, but they submit that the transformer which gives other connections including their connection in Sy.No.2-1A cannot be affected by the said orders.

5. I do not see any reason for such apprehension as the proceedings under the Act are with reference to Sy.Nos.1 and 3 and the letter of the 3rd respondent dated 05.01.2016 referred to above also referred to Sy.Nos.1 and 3 and for disconnecting the power supply to the encroachers. Hence, if the transformer has given other power connections to the consumers other than those located in Sy.Nos.1 and 3, they shall remain unaffected. It is made clear that if the 3rd respondent seeks to take any action against other persons other than those located in Sy.Nos.1 and 3, he will have to follow due process of law for taking any such action.

6. The Writ Petition is accordingly disposed of. No order as to cost. Miscellaneous petitions, if any, pending in this writ petition

shall stand closed.

17th February, 2016
sj

VILAS V. AFZULPURKAR, J
