

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.41454 OF 2016

ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue appearing for the respondents. With their consent, the present Writ Petition is disposed of at the admission stage.

2. The present Writ Petition came to be filed with the following prayer:

“...to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent No.1 in issuing eviction notice dated 03.11.2016 issued under Section 7 of Andhra Pradesh Land Encroachment Act, 1905 as illegal, arbitrary and violation of Articles 14, 21 of the Constitution of India and set aside the same, consequently direct the Respondents to assign the said land situated at Srinivasapur Village, Wanaparthy Mandal and District with regard to land admeasuring Ac.3.06 in Sy.No.55/7 and land admeasuring Ac.1.39 in Sy.No.55/8 to the petitioners.”

3. The averments in the affidavit filed in support of the writ petition would show that the petitioners belong to Backward Class Community and they are eking out their livelihood by cultivating the land admeasuring Ac.3-06 Gts., and Ac.1-39 Gts., in Sy.Nos.55/7 and 55/8 situated within the limits of Srinivasapur Village of Wanaparthy Mandal and District, for the last 18 years. They claim to have spent huge amounts on the said land and also dug bore-wells.

They also made representations to the respondent authorities to assign the land to them. It is stated that without disposing of the representations made by them, the impugned notice came to be issued, to show, as to why they should not be evicted from the land referred to above. Pursuant to which, the petitioners submitted their explanation and requested to assign the said land on payment of market value. But, till date no action has been taken on the said explanation/representation.

4. Though various grounds are raised in the writ petition, learned counsel for the petitioners restricts his prayer seeking a direction to the respondents not to dispossess the petitioners from the property in dispute till the orders are passed on the representation submitted by them.

5. Learned Government Pleader for Revenue submits that suitable directions may be issued to the respondents to pass appropriate orders on the representation submitted by the petitioners, at the earliest.

6. Having regard to the above submissions, the Writ Petition is disposed of directing the respondents not to take any coercive steps in dispossessing the petitioners from the land admeasuring Ac.3-06 Gts., and Ac.1-39 Gts., in Sy.Nos.55/7 and 55/8 situated within the limits of Srinivasapur Village of Wanaparthi Mandal and District, till the orders are passed on the explanation submitted by the petitioners pursuant to the notice dated 03.11.2016, which in any

event shall not be later than eight (08) weeks from the date of receipt of a copy of this order.

Consequently, Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. No order as to costs.

JUSTICE C. PRAVEEN KUMAR

Date:30.11.2016
INL

