

THE HON' BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No. 36350 of 2016

ORDER:

- 1) Heard learned counsel for the petitioner and learned Government Pleader for Revenue. With the consent of both the parties, the Writ Petition is disposed of at the admission stage.
- 2) The present Writ Petition came to be filed seeking issuance of writ of Mandamus declaring the action of respondent No.4 in evicting the petitioner from the land admeasuring Acs.3.00 cents in Survey No.123-1 situated at Yerragunta Village, Rapthadu Mandal, Anantapur District, under the provisions of Andhra Pradesh Land Encroachment Act III of 1905, by treating the petitioner as an encroacher, as illegal and arbitrary.
- 3) A perusal of the material on record would show that on 11.03.2016, the Tahsildar-respondent No.4 issued notice to the petitioner stating that he is in unauthorized occupation of the Government Poramboke land admeasuring Acs.2.20 cents in Survey No.121 situated at Yerragunta Village, Rapthadu Mandal, Anantapur District. The notice also directs the petitioner to given an explanation for the same within seven days from the said date of notice. Pursuant thereto, the petitioner is alleged to have sent a reply on 15.03.2016. It is stated that without

passing any orders on the said reply to the notice dated 11.03.2016, the authorities are now taking steps to dig pits on the standing ground nut crop. It is specifically averred in the affidavit that on 17.10.2016, the authorities came to the said land with JCB and tried to dig on standing ground nut crop. Challenging the said action of the respondents, the present writ petition came to be filed.

4) Learned counsel for the petitioner mainly submits that irreparable loss would be caused to the petitioner, if pits are dug on the standing ground nut crop. Apart from that, the petitioner mainly submits that though he gave his explanation vide letter dated 15.03.2016, to the notice dated 11.03.2016 but no orders are passed. Without passing any orders and without giving an opportunity of hearing, the authorities are acting arbitrarily.

5) Learned Government Pleader submits that no action would be taken without following due process of law and the explanation given to the authorities would be taken into consideration at the time of passing the orders.

6) Having regard to the above, the writ petition is disposed of directing the Tahsildar-fourth respondent not to dispossess the petitioner from the land admeasuring Acs.3.00 cents in Survey No.123-1 situated at Yerragunta Village, Rapthadu

Mandal, Anantapur District, till passing of the orders to the notice dated 11.03.2016, if not already passed. In any event, it is to be noted that any action taken shall always be in accordance with law.

7) Miscellaneous petitions, pending if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE C. PRAVEEN KUMAR

26.10.2016
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