

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 26229 of 2016

ORDER:

Petitioner challenges notice, dated 03.06.2016 issued by respondent No.4-Deputy Executive Engineer, Drainage Sub-Division, Palakollu, West Godavari District.

Heard learned counsel for the petitioner and learned Government Pleader for Revenue (Andhra Pradesh).

It is the contention of the learned counsel for the petitioner that respondent No.4 is not competent to take action against the petitioner and that the petitioner has not occupied the land admeasuring Ac.1.50 cents in Survey No.119. He contends that the petitioner is the absolute owner and possessor of Ac.0.80 cents of land in the said survey number.

A reading of the impugned notice, dated 03.06.2016, discloses that the petitioner alleged to have occupied the Government land adjacent to the drainage canal passing through Nelamuru Village and carrying on aquaculture activities as such he was directed to vacate the said Government land within three days, failing which, appropriate action would be taken against him in accordance with law.

The impugned notice is self-explanatory. What all notice says is that respondent No.4 would take action in accordance with law. Respondent No.4 being Deputy Executive Engineer, entrusted with the maintenance of irrigation canals, ought not to have issued the impugned notice. However, he has to approach

the competent authority i.e. the Tahsildar or District Collector to take action against the petitioner.

In those circumstances, the writ petition is disposed of with a direction to the respondents to follow the procedure strictly as contemplated under the relevant Act for evicting the petitioner from the Government land. There shall be no order as to costs.

Consequently, the miscellaneous petitions, if any shall also stand disposed of.

CHALLA KODANDA RAM, J

Dt:05.08.2016

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