

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

-
HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE P. NAVEEN RAO

-
WRIT PETITION Nos. 22058, 22086, 22087, 22093, 22098 and
22116 of 2016

Date: 08.07.2016

W.P.No.22058 of 2016

Between:

Palle Shankar & others.

... Petitioners

And

The State of Telangana, rep., by its Principal Secretary,
Revenue Department,
Hyderabad & others.

... Respondents

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE P. NAVEEN RAO**

**WRIT PETITION Nos. 22058, 22086, 22087, 22093, 22098 and
22116 of 2016**

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Petitioners, in these writ petitions, seek the following relief:

“For the reasons stated above, the petitioners herein prays that the Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 2nd and 3rd respondents in not properly doing survey of land by exempting 4.33 acres of patta land from 14.33 acres in Sy.No.1662 of Kosgi Village and Mandal, Mahaboobnagar District so that to get 10 acres of the Government Junior College land, Kosgi Village and Mandal in Mahaboobnagar District is illegal, arbitrary and against Articles 14, 19 and 21 of the Constitution of India and to consequently direct the 2nd respondent to do proper survey of land by exempting 4.33 acres of patta land from 14.33 acres in Sy.No.1662 of Kosgi Village and Mandal, Mahaboobnagar District so that to get 10 acres of the Government Junior College land, Kosgi Village and Mandal in Mahaboobnagar District and pass such other order or orders as this Hon'ble Court deems fit and proper in the interest of justice.”

Sri Bhaskar Reddy, learned Government Pleader appearing for respondent Nos.1 to 3, submits that the concerned authority shall follow the due procedure contemplated under the provisions of the Andhra Pradesh Land Encroachment Act, 1905 (Act No.III of 1905) (for short, “the Act”) for taking further action.

It appears that on 22.01.2016, the Lokayuktha passed

order directing the respondents to initiate proceedings under the Act against the encroachers over the area of Ac.4.32 guntas in Sy.No.1662 of Kosigi Mandal of Mahaboobnagar District and file action taken report.

According to the petitioners, the respondents are likely to initiate action in pursuance of the order, dated 22.01.2016, passed by the Lokayuktha.

In any case, the concerned authorities will have to follow the due procedure contemplated under the provisions of the Act, and as submitted by learned Government Pleader, the petitioners have remedy under the provisions of the Act once the action is either initiated or order under Section 6 of the Act is passed.

In view thereof, we dispose of these writ petitions keeping all remedies open to the petitioners to take either under the provisions of the Act or before the civil Court, if they so desire and advised. While making this observation, we shall not be understood to have examined merits of the case.

Miscellaneous petitions, if any, shall also stand disposed of.

DILIP B.BHOSALE, ACJ

P.
NAVEEN RAO, J

Date: 08.07.2016

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