

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.23956 OF 2016

ORDER :

It is the case of the petitioners that they are in peaceful possession and enjoyment of the houses i.e., H.Nos.5-93; 5-91, 5-21, 5-90, 7-12; 7-12/A (11-02/2), situated at Main Road, Meenavolu Village, Yerrupalem Mandal of Khammam District. It is stated that they are landless poor persons erected small houses and staying therein in unobjectionable Government land by paying house taxes to the Meenavolu Gramapanchayat. It is stated that all of a sudden on 02.07.2016, were issued impugned notices dated 02.07.2016 by the 3rd respondent-the Tahsildar, Yerrupalem, Khamma, District, as to why they should not be vacated on the ground of encroachment. Aggrieved by the same, present writ petition is filed.

Heard learned counsel for the petitioners and learned Assistant Government Pleader for Revenue.

Learned Assistant Government Pleader for Revenue produced written instructions dated 20.07.2016 stating that the Irrigation department has found encroachments in the Ooracheruvu Tank, as such, Assistant Executive Engineer, Irrigation had requested to issue notices to the encroachers in the shikam of the Tank for removal of the encroachments. Accordingly, impugned notices were issued.

It is not the case of the petitioner that the 3rd respondent-Tahsildar has no jurisdiction to issue notices for removal of encroachments in the Government land. The petitioners, instead of filing explanation to the impugned notices, have resorted to file the present writ petition. In the meanwhile, the 3rd respondent had also

issued final notice dated 12.07.2016 to the petitioners as to why they should not be evicted from the encroached Government land.

In view of the same, I do not see any ground to entertain the writ petition. However, it is open for the petitioners to submit explanation to the impugned notices within a period of four (4) weeks from today and after considering the same, the respondents may take further action, in accordance with law. If no explanation is filed within the stipulated period, the respondents can proceed in pursuant to final notice issued on 12.07.2016.

With the above direction, this writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in this writ petition, shall stands closed.

A.RAJASHEKER REDDY, J

22.07.2016
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HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

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