

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No. 28119 of 2017

Date: 23.08.2017

Between:

Bhukya Sriramulu Naik and others

.. Petitioners

AND

The Tahsildar,

Jaggiahpet Mandal,

Krishna District, and others

.. Respondents

The Court made the following:



HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No. 28119 of 2017

ORDER:

This writ petition is filed seeking a writ of *mandamus* declaring the action of the first respondent in trying to dispossess the petitioners from the agricultural land situated in Survey Nos.275/3, 271/5, 272/2, 271/8, 271/6, 272/1, 271/7 and 273 of Chilakallu Village, Jaggaiahpet Mandal, Krishna District, without following due process of law, as arbitrary and illegal.

According to the petitioners, they belong to Scheduled Tribe community and landless poor persons. As there was vacant dry land available in their village, they developed the said land, started cultivating the same and eking out their livelihood. While so, notices under Rule 3 of the A.P. Assigned Lands (Prohibition of Transfers) Rules, 2007 (for short 'the Rules'), were issued to the petitioners calling upon them to show cause as to why they should not be evicted from the assigned lands. Notices under Section 7 of the A.P. Land Encroachment Act, 1905 (for short 'the Act') were also issued to them. It appears that the petitioners submitted their explanations to the said notices. However, so far no decision has been taken by the respondent authority. Hence, this writ petition.

A perusal of the documents annexed to the writ petition and the averments made in the affidavit filed in support of the writ petition discloses that the procedure as required under the Rules and the Act are set in motion. Thus, it cannot be said that the respondent authorities are not following the due procedure as required by law and they sought to evict the petitioners summarily. Therefore, the writ petition merits no consideration.

The writ petition is accordingly dismissed leaving it open to the petitioners to workout their remedies in accordance with law as and when a fresh cause of action arises. There shall be no order as to costs.

The Miscellaneous Petitions, if any, pending in this writ petition, shall also stand dismissed.

 JUSTICE P.NAVEEN RAO

Date: 23.08.2017

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