

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE MS JUSTICE J.UMA DEVI

Writ Petition No.25407 of 2017

ORDER: (Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan)

The grievance of the petitioners in this writ petition is that they are in occupation of small extents of land, admeasuring Ac.0.15 cents each, which is beyond the full tank level limits of the subject tank; and it is only because of the orders of the institution of Lokayukta that the other respondents are taking action to evict them from the subject land.

While the jurisdiction of the institution of the Lokayukta, to examine such issues, is not beyond dispute, learned Government Pleader for Revenue (AP) would submit that the total extent of land under encroachment is more than Acs.10.00; the subject land, under occupation of the petitioners, is tank poramboke, and falls within the full tank level limits of the subject tank; and the respondents intend initiating action against the petitioners under the A.P.Land Encroachment Act independent of, and *de hors*, the proceedings initiated in compliance with the orders of the institution of the Lokayukta.

The mere fact that the institution of Lokayukta has directed the respondents to take action does not disable them, independently and *de hors* the order of the Lokayukta, from taking action in accordance with law, including in accordance with the provisions of the A.P.Land Encroachment Act. Suffice it, therefore, to dispose of the writ petition holding that the respondents shall not interfere with the possession of the petitioners herein except after initiating proceedings under the A.P. Land Encroachment Act.

The Writ Petition is disposed of accordingly. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(J.UMA DEVI, J)

07th August, 2017
JSU

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Date: 07.08.2017

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