

THE HON'BLE SRI JUSTICE S. V. BHATT

WRIT PETITION No. 13338 of 2017

ORDER:

Heard Mr. Tata Sngaiiah Goud, counsel for petitioners and the Assistant Government Pleader (Revenue) for Respondents.

2. The subject matter of the writ petition is agricultural land in Survey No.247/ 1 of Vinnamala village, Nayudupet Mandal, SPSR Nellore district. The petitioners challenge the notice in Rc.B/ 28/ 2017, dated 16.03.2017 issued by the 3rd Respondent. The notice refers to the encroached land as 'Cheruvu' and occupation of tank by petitioners. On 03.04.2017 the petitioners have submitted explanation and the matter is pending enquiry before the 3rd Respondent.

3. The petitioners claim that they are in possession and enjoyment of the subject matter of the writ petition, pursuant to pattas granted by the then Tahasildar in 1972. It is further stated that the petitioners are all poor people and are eligible for grant of assignment.

4. Firstly, it is contended that issuing show cause notice in spite of assignment order in favour of petitioners is illegal, and secondly, the Respondents ought not to order eviction of petitioners without properly considering the case of petitioners for grant of alternate land.

5. I have perused the material available on record and taken note of the submissions of Mr. Mr.Tata Singaiah Goud, counsel for petitioners. *Prima facie* this Court is of the view that challenge to show cause notice dated 16.03.2017 is not made out. Further, explanation is submitted and the issue is required to be considered legally and objectively by 2nd and 3rd Respondents. Having regard to the contents of show cause notice and also the assignment said to have been granted in favour of petitioners was in 1972, I am satisfied that the writ petition can be disposed of by this order.

6. The petitioners are given liberty to file additional representation requesting for grant of assignment of land, in the event the 3rd Respondent takes a decision to order eviction of the petitioners. Such request is positively and favourably considered by 2nd and 3rd Respondents while passing orders in this behalf. Till a comprehensive decision is taken and communicated, *status quo* as regards possession of subject matter of land is directed to be maintained. The exercise referred to above shall be undertaken and carried out within two months from today. It is made clear that as the removal of occupation is purportedly for restoring the water body, the 2nd and 3rd Respondents are directed to ensure that further assignment of subject matter of writ petition is not considered to third parties, and the water body is restored to its prime.

7. The writ petition is disposed of accordingly. As a sequel, the miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

S. V. BHATT, J

April 17, 2017
Kv



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