

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.32340 OF 2017

DATED : 22.09.2017

Between :

Sirapurapu Venkata Ramana, W/o.Kotnis,
Hindu, Female, Aged 50 yrs, R/o.Pattiseema,
Polavaram Village, Pamarru Mandal,
West Godavari District.

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Petitioner

And

The State of A.P.,
rep., by its Principal Secretary,
Revenue Department,
Andhra Pradesh Secretariat, Velagapudi,
Amaravathi, Guntur District & others.

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Respondents



This court made the following :

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ORDER :

Heard.

2. The impugned notice reflects that the allegation levelled against the petitioner is that he is in unauthorised and illegal occupation of Government land and that he should be evicted from the said land. The said notice is issued by the Mandal Revenue Inspector, Polavaram-1.

3. The contents of the notice disclose allegation of encroachment and therefore, eviction of the petitioner. As per the provisions of Andhra Pradesh Land Encroachment Act, 1905 (for short 'the Act'), the action of eviction can be initiated by the officers mentioned in Section 6 of the Act. According to Section 6 (1) of the Act, proceedings can be initiated for eviction either by the Collector or Tahsildar or Deputy Tahsildar, whereas the present notice is issued by the Mandal Revenue Inspector. Therefore, on that ground alone, the notice is liable to be set aside and is accordingly set aside.

4. With the above observation, the Writ Petition is allowed. However, it is left open to the competent authority to initiate proceedings for eviction in accordance with the provisions of the Act. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO,J

22nd September 2017
Rds