

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.34131 OF 2017

DATED : 13.10.2017

Between :

Jakkala Krishnaiah S/o.Gurappa Chetty,
Aged 64 yrs, Occu : Retired employee,
R/o.D.No.12-602, PNR Road,
Bahadurpet, Srikalahasthi,
Chittoor District.

.. Petitioner

And

State of Andhra Pradesh,
Rep., by its Principal Secretary,
Revenue Department,
Secretariat, Velagapudi,
Guntur District & others.

.. Respondents



This court made the following :

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ORDER :

Heard.

2. Petitioner claims to be the absolute owner and in possession of land to an extent of Ac.4-29 cents in Sy.Nos.107/2, 93/10, 103/9, 103/8, 103/7, 103/6, 103/5, 103/11 and 103/10 of Gummidigunta Village, Thottambedu Mandal, Chittoor District. Petitioner is now aggrieved by the notice dated 07.09.2017 directing the petitioner to remove the boundary stones put up by him on a land belonging to Telugu Ganga Project. The said notice is under challenge in this writ petition.

3. According to the petitioner detailed explanation was submitted on 16.09.2017 explaining that he is not in occupation of Telugu Ganga Project land as alleged and that notice is falsely issued.

4. Learned Assistant Government Pleader, on instructions, submits that the land on which notice is issued belongs to Telugu Ganga Project and she sought to justify the action of issuing notice by contending that a portion of the land which was occupied by the petitioner was already acquired and therefore, it amounts to encroachment into the Government land.

5. A bare perusal of the notice dated 07.09.2017 it is clear that it does not contain the details which now the learned Assistant Government pleader sought to appraise the Court. It is a bald notice telling the petitioner that he is in unauthorised occupation

of land belonging to Telugu Ganga Project and on that ground itself the notice is required to be held as illegal. Therefore, the question of dispossessing the petitioner even without furnishing the essential details is erroneous.

6. Having regard to the above, the Writ Petition is disposed of, holding that petitioner cannot be dispossessed, without following the due process. As noted above as the notice does not contain the essential details, no further action can be taken against the petitioner in pursuant to the said notice. However, liberty is granted to the respondents to cause fresh notice, if so advised, containing all the details calling upon the petitioner to explain why action should not be taken. However, till such action is initiated and only after following due procedure, the petitioner can be dispossessed. There shall be no order as to costs.

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

13th October 2017
Rds

P.NAVEEN RAO,J