

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.46070 OF 2016

ORDER:

This petition is filed for a writ of *Mandamus* declaring the action of the respondents 4 and 5 in resorting to form a road along the "Kalatturu Varava Kaluva" from the lands of the petitioner situated in Survey Nos. 467/7, 475, 484/1, 484/2, 489/3 to the lands of the 6th respondent situated in Survey No.463/5A2, 464/10 etc. of Mavillapadu, H/o.Kallaturu Revenue Accounts, Varadaiah Palem Mandal, Chittoor District, as illegal and arbitrary and for a consequential direction to the respondents 2 to 5 not to proceed with the formation of the said road by evicting the petitioner from the Government Poramboke land adjacent to the lands in Survey Nos.467/7, 475, 484/1, 484/2, 489/3 of Kallaturu Revenue Village.

Heard learned counsel for the petitioner.

Learned Assistant Government Pleader for Revenue produced letter dated 24.12.2016 addressed by the Assistant Executive Engineer, Irrigation Section, Varadaiah Palem, to the Tahasildar, Varadaiah Palem, wherein the Assistant Executive Engineer directed the Tahasildar for eviction of unauthorized occupations and encroachments of Government lands as per the provisions of the Land Encroachment Act, 1905 (*for short 'the Act'*) and to initiate proceedings under

Section 5 to 7 of the said Act. He also submits on instruction that necessary procedure under the Act will be followed for taking any action against the petitioner.

In view of the above, the writ petition is disposed of directing the respondent authorities not to evict the petitioner without following due process of law. No order as to costs.

As a sequel thereto, miscellaneous petitions, pending if any, shall stand closed.

24.01.2017
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A.RAJASHEKER REDDY,J