

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION Nos.22675 and 22679 of 2017

COMMON ORDER:

These two Writ Petitions are being disposed of by this common order as they are filed challenging the action of the respondents in trying to evict the petitioners without passing orders under the Andhra Pradesh Land Encroachment Act, 1905.

The petitioners state that they are in possession of an extent of Ac.1.01 cents and Ac.1.21 cents of land respectively in Survey No.470/2 of Kallaparu Village, Akividu Mandal, West Godavari District. While so, a notice under Section 7 of the Andhra Pradesh Land Encroachment Act was issued to the petitioners. The petitioners submitted their explanation. When there was a threat of dispossession even after submitting the explanation, the petitioners filed W.P.Nos.7440 of 2017 and 7562 of 2017 respectively, and this Court disposed of those Writ Petitions by separate orders dated 03.03.2017 directing the third respondent to consider the explanation submitted by the petitioners and pass final orders in accordance with law. Now no final orders were passed, but the petitioners were asked to vacate the land within 48 hours and a notice under Section 6 of the Andhra Pradesh Land Encroachment Act was issued to that effect. In those circumstances, the present Writ Petitions were filed.

When these Writ Petitions came up for consideration yesterday, learned Government Pleader took time to verify whether any speaking order was passed pursuant to the explanation submitted by the petitioners and the orders of this Court dated 03.03.2017, and today he informed this Court that no speaking orders have been passed as on today.

In the circumstances, the third respondent shall not evict the petitioners without serving a copy of the speaking order on the petitioners, and they shall not be evicted for another thirty days after serving notice in order to enable them to prefer an appeal in the event of adverse orders passed against them. If no adverse orders are passed, it is needless to say that the petitioners shall not be evicted.

The Writ Petitions are, accordingly, disposed of. The miscellaneous petitions pending in these Writ Petitions, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

11.07.2017

Note: Issue C.C by tomorrow.
B/o.
vs