

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.35510 OF 2017

Dated:25.10.2017

Between:

Yarra Sunanda Babu, S/o. Late Veerraju,
Aged about 40 years, R/o. Dowleswaram
Village, Rajamahendravaram Rural
Mandal, East Godavari District

.. Petitioner

And

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

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.35510 OF 2017****ORDER:**

Heard.

2. According to petitioner, his father was assigned land to an extent of Ac.0.92 cents in R.S.No.100 of Dowleswaram Village on 18.09.2005. While so, the Tahsildar, Rajahmundry, issued notice dated 04.10.2017 to the petitioner calling upon him to submit all the relevant documents and explanation as to why appropriate action should not be taken against him. In the notice, it was observed that as per the revenue records, the subject land was classified as Government Poramboke Sewerage Canal and therefore why action should not be taken against the petitioner.

3. It appears from a reading of the said notice that this is a preliminary exercise undertaken by the Tahsildar to ascertain the issue and to take further course of action. Even in the notice itself it was mentioned that action would be taken under the Andhra Pradesh Land Encroachment Act, 1905.

4. According to learned counsel for the petitioner, the petitioner appeared before the Tahsildar pursuant to the notice and submitted all the documents including the assignment patta granted in favour of his father. If that is so, it cannot be expected that the Tahsildar would not consider the objection of the petitioner on the allegation of occupation of sewerage canal by the petitioner illegally.

5. As noted above, it appears that it was a preliminary exercise of the Tahsildar to take further course of action, if warranted by law. Thus, the Court is not inclined to entertain the Writ Petition and scuttle the process of such enquiry by the Tahsildar, at this stage. Moreover, the petitioner has appropriate remedy available in law as and when further course of action is taken against him.

6. The Writ Petition is accordingly dismissed leaving it open to the petitioner to work out his remedies as and when further course of steps are taken against him. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in the Writ Petition shall stand closed.

Date: 25.10.2017

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P. NAVEEN RAO, J

