

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.10349 OF 2018

DATED :02.04.2018

Between :

J.Nagamuni W/o.J.Vemula Naidu
Aged about 60 yrs, Occu : Agriculture
R/o.Kesavarpuram Village, Garladinne Mandal,
Ananthapuramu District, Andhra Pradesh & others.

.. Petitioners

And

The State of Andhra Pradesh,
Rep., by its Principal Secretary,
Revenue Department,
A.P.Secretariat, Velagapudi, Vijayawada,
Andhra Pradesh & others.

... Respondents



This court made the following :

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ORDER :

Heard learned counsel for the petitioners and learned Assistant Government pleader.

2. In this writ petition petitioners are aggrieved by notice dated 23.03.2018 issued under Section 6 of the Andhra Pradesh Land Encroachment Act (for short 'the Act') directing the petitioners to vacate from the subject properties.

3. As seen from the impugned notice, Section 7 notice under the Act, was issued on 08.03.2018. On 22.03.2018, the appearance of the petitioners was entered and the Advocate representing the petitioners requested 15 days time. Refusing the said request the order impugned is passed.

4. I do not see any justification in not acceding to the request of the petitioners to grant some more time. It is not a case where the petitioners are trying to drag on the issue. On the first day of appearance a request was made and the same ought to have been granted. It appears, W.P.(PIL) No.20/2018 was filed alleging that there is unauthorised encroachment into the river Penna and that entire river bed is encroached slowly and converted as agricultural lands depriving others of much needed water from the river.

5. The PIL was disposed of directing the District Collector, to examine the representation of the petitioners therein and to take appropriate further course of action. The Division Bench has not fixed any time limit to complete the said exercise.

6. Having regard to the above facts, the Writ Petition is disposed of granting liberty to the petitioners to submit their explanations within fifteen (15) days from today. The said explanations in response to Section 7 notice under the Act shall be considered by the Tahsildar, Garladinne Mandal, Ananthapuramu District, and take further course of action. Until a decision is made as directed above, Section 6 notice shall not be given effect to. If the Tahsildar accepts the explanation offered by the petitioners, no further proceedings shall be taken up against the petitioners. However, if the Tahsildar is not in agreement with the explanations offered, he can pass appropriate fresh orders. If petitioners do not file their explanations within the time granted, the notice dated 23.03.2018 shall revive and the Tahsildar is competent to proceed further in accordance with the Andhra Pradesh Land Encroachment Act. There shall be no order as to costs.

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

2nd April, 2018

P.NAVEEN RAO,J

Note : Issue C.C in three (3) days
B/o.
Rds