

THE HON'BLE SRI JUSTICE S.V.BHATT

W.P. No.15239 of 2018

ORDER:

Heard Mr.G.Gopala Krishna for petitioners, the learned Assistant Government Pleader for respondent Nos.1 to 4 and Mr.S.Sridhar for respondent Nos.5 to 12.

The petitioners challenge notice in Rc.No.266/2018/(B) KRRC/Dt.31.03.2018 issued by respondent No.3 herein.

For appreciating the legal grounds raised against the notice impugned in the writ petition, the Court finds it convenient to excerpt the impugned notice, which reads thus:

"Rc.No.266/2018/(B)KRRC/Dt.31.03.2018 Sub Collector's Office,
Parvathipuram.

NOTICE

Sub: ROR: Encroachment – Vizianagaram District – Pachipenta Mandal – Gairempeta Revenue Village – Petition filed by Sri Janni Seethayya S/o late Yerrayya and others for issuance of Land Encroachment – Petition filed against Padala Suryanaraya S/o letu Lakshum and others – Notice – Issued – Regarding.

Ref: Meekosam Petition No.20172-76356331
Dt.05.07.2017

This notice is issued with the reference to the petition filed by Sri Janni Seethayya S/o late Yerrayya and others, resident of Gairempeta Village of Pachipenta Mandal against Sri. Padala Suryanarayana S/o letu Lakshum and others, resident of Pachipenta Village of Pachipenta Mandal pertaining to issue of Sy.No.56 and 85/2 measuring an

extent of AC.32.10 cents of land encroachment of Gairempeta Revenue Village of Pachipenta Mandal.

Hence, the both parties are requested to attend this office on 09.04.2018 at 11.00 AM along with relevant documents without fail.

Sd/-B.Sudarsana Dora
Revenue Divisional Officer
Parvathipuram.”

Mr.Gopala Krishna contends that the 3rd respondent is the appellate authority under ROR Act and the 3rd respondent cannot and ought not to exercise jurisdiction of primary authority and thereafter either enquire into and pass orders on possession/maintenance of entries in record of rights. Notice is without jurisdiction and therefore liable to be set aside as such.

The counsel appearing for respondents states that the 3rd respondent being the appellate authority under ROR Act ought not to have issued the notice. It is fairly stated even with regard to alleged encroachment, the competent authority to initiate steps for removing encroachments is Tahsildar-Pachipenta/4th respondent herein.

In view of undisputed possession, the notice impugned in the writ petition is set aside and liberty is given to respondent Nos.5 to 12 to move the competent

authority for all the grievances, they have against petitioners vis-à-vis agricultural land in Sy.No.56 and 85/2 could be canvassed.

Writ petition is ordered as indicated above. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

Dt: 13.06.2018
dv

S. V. BHATT, J

