

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.16924 of 2017

ORDER:

Challenging the Notice dated 03.05.2017, issued by the 3rd respondent-Tahsildar, Podalakur Mandal, the petitioners filed the present Writ Petition.

2) It is the case of the petitioners that the respondent authorities issued impugned notice alleging that they have occupied the road poramboke and thereby, obstructing the free flow of traffic. Through the impugned proceedings, though termed as 'Notice', they were directed to voluntarily vacate the premises under their occupation as otherwise the Government Staff would remove them forcibly. However, the said notice is contrary to the orders of this Court passed in P.I.L. No.240 of 2014, dated 28.03.2016. Petitioners further assert that they have been in peaceful possession and enjoyment of the property on account of the pattas granted in their favour and there is no notice as such has been given to vacate the premises.

3) On the other hand, learned Government Pleader for Revenue (A.P.) submits that the pattas were granted only in Sy.No.171 and there were no pattas granted in Sy.No.171/B and the petitioners are in road margins obstructing the traffic flow. The learned Government Pleader for Revenue (A.P.) submits that the Writ Petition may be disposed of with a direction to follow the due process of law.

4) Having considered the respective submissions, as the allegation of the respondent authorities is that the petitioners are in occupation of the land situated in Sy.No.171/B of Podalakur

Village and they do not have any right to occupy the road margins and considering the allegation of the petitioners that they have not been issued notices, interest of justice would be served if a direction is given to the respondent authorities to issue fresh notices to the petitioners within four weeks from the date of receipt of a copy of this Order and within 15 days thereafter, the petitioners shall offer their explanation to the said notices. The respondent authorities shall consider the same and make a reasoned order, which shall be treated as an Order under Section 6 of the Andhra Pradesh Land Encroachment Act, 1905, within four weeks thereafter. It is also made clear that consideration of the explanation that may be submitted by the petitioners shall be in an objective manner and it shall be a speaking order. Till such time the orders are made, the respondents shall not interfere with and disturb the peaceful possession and enjoyment of the petitioners.

5) Accordingly, the Writ Petition is disposed of. No costs. Consequently, Miscellaneous Petitions, pending if any, shall stand closed.

CHALLA KODANDA RAM, J.

Date: 04.01.2018.

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