

HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No.32103 of 2018

ORDER :

Heard learned counsel for the petitioner and learned Government Pleader for Revenue (Andhra Pradesh).

2. With the consent of both parties, the Writ Petition is disposed of at the admission stage.

3. The present Writ Petition came to be filed seeking issuance of Writ of Mandamus declaring the inaction of respondent Nos.2 and 3, on the representations made by the villagers for protecting the Government land admeasuring Ac.0.05 cents in Survey No.273/2 of Pedda Upparapalle village, Somala Mandal, Chittoor District, as illegal and arbitrary.

4. At the time when the matter is taken up for hearing, learned Government Pleader for Revenue placed on record the written instructions stating that one M.T.Jaffar Hussein of Peddaupparapalle village tried to occupy the said land and laid a foundation in the year 2011, with temporary hut basing on fake documents. When the authorities prevented him from occupying the land, he filed a Civil Suit misrepresenting the facts and obtained permanent injunction. Thereafter, the said person filed W.P.No.6420 of 2010 before this Court, wherein this Court directed the respondents not to interfere with the possession and enjoyment of the land in question, without

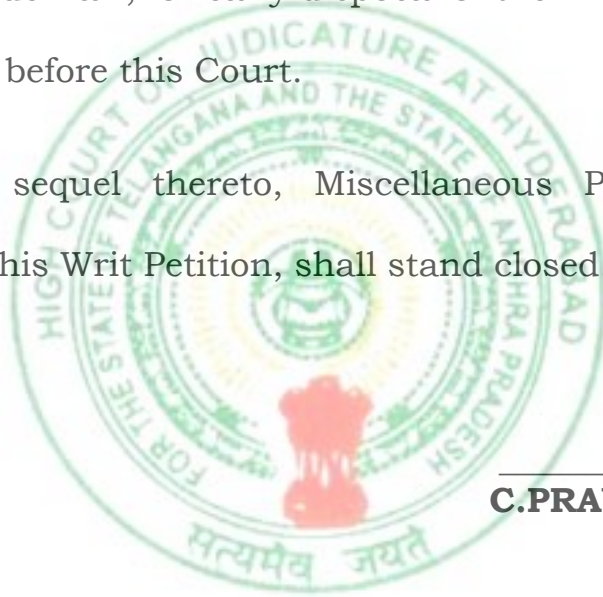
following due process of law. Thereafter, the encroacher has been issued a notice under Section 7 of A.P. Encroachment Act (for short, 'the Act'), which was again challenged in W.P.No.34934 of 2016 and the same was disposed of directing the respondents therein not to dispossess the petitioner therein from the land which is the subject matter of dispute in the present Writ Petition, till passing of the orders on the explanation submitted by the petitioner on 27.09.2016. The record shows that after considering the explanation, proceedings came to be issued directing the Mandal Revenue Inspector, Somala, to carry out the eviction of the petitioner. Challenging the order passed under Section 6 of the Act, the encroacher preferred W.P.No.37397 of 2016 before this Court and the same is pending consideration. It is stated that encroacher also filed W.P.No.3757 of 2016, which is also pending before this Court.

5. From the written instructions, it is clear that the unofficial respondent filed a suit and obtained permanent injunction, in respect of the subject property. Further, it appears that when the official respondents sought to evict the unofficial respondent, he filed W.P.No.6420 of 2010, wherein this Court directed the respondents not to dispossess him, except in accordance with law and in pursuance of the same, he was issued a notice under Section 7 of the Act and an order under Section 6 of the Act came to be passed evicting him. Challenging the same, the said encroacher – unofficial respondent filed Writ Petitions, which are pending adjudication.

6. In the light of the orders of the Civil Court and pendency of Writ Petitions, it cannot be said that the official respondents have not taken steps to protect the land in dispute. Therefore, the argument of the learned counsel for the petitioner that no action has been taken by respondent Nos.2 and 3 appears to be incorrect.

7. In view of the above circumstances, the Writ Petition is closed giving liberty to the petitioner to avail alternative remedies available under law, for early disposal of the Writ Petition, which are pending before this Court.

8. As a sequel thereto, Miscellaneous Petitions, if any, pending in this Writ Petition, shall stand closed. No costs.



C.PRAVEEN KUMAR, J

Date: 07.09.2018
vhh