



(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(Special Original Jurisdiction)

TUESDAY, THE SEVENTEENTH DAY OF MARCH TWO THOUSAND AND TWENTY

:PRESENT:

THE HONOURABLE SRI JUSTICE M.GANGA RAO

WRIT PETITION NO: 6786 OF 2020

Between:

1. K.Naga Raju, S/o Subba Rayudu, aged about 50 years, R/o Madakalavaripalle, Gopavaram Mandal, YSR Kadapa District.
2. K.Prabhakar, S/o Subba Rayudu, aged about 40 years, R/o Madakalavaripalle, Gopavaram Mandal, YSR Kadapa District.

Petitioners

AND

1. The State of Andhra Pradesh, Rep by its Principal Secretary, Revenue Department, Secretariat, Velagapudi, Guntur District.
2. The District Collector, YSR Kadapa District, YSR Kadapa.
3. The Tahsildar, Gopavaram Mandal, YSR Kadapa District.

Respondents

WHEREAS the Petitioners above named through their Advocate SRI.M.DELHI BABU presented this Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue writ, order or orders more particularly one in the nature of Writ of Mandamus declaring the Order in Ref.No.B/59/2020, dated 04.03.2020 issued by the 3rd respondent directing the petitioners to evict within 24 hours from the agriculture land to an extent of Ac.0.28 cents in Sy.No.1047, Ac. 1.72 cents in Sy.No.1049 and Ac.0.02 cents in Sy.No.1053 situated at Madakalavaripalli Village, Gopavaram Mandal, YSR Kadapa District is illegal, arbitrary, unconstitutional, influenced by extraneous considerations, colourable exercise of powers, apart from violative of Articles 14, 21 and 300-A of the Constitution of India, set aside the same and consequently direct the 3rd respondent not to evict the petitioners from the land to an extent of Ac.0.28 cents in Sy.No.1047, Ac. 1.72 cents in Sy.No.1049 and Ac.0.02 cents in Sy.No.1053 situated at Madakalavaripalli Village, Gopavaram Mandal, YSR Kadapa District;

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of SRI.M.DELHI BABU Advocate for the Petitioners and of learned Government Pleader for Finance takes notice for respondents, directed issue of notice to the Respondents, herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Principal Secretary, Revenue Department, State of Andhra Pradesh, Secretariat, Velagapudi, Guntur District.
2. The District Collector, YSR Kadapa District, YSR Kadapa.
3. The Tahsildar, Gopavaram Mandal, YSR Kadapa District.

are directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted before 15.04.2020, on which date the case stands posted for hearing.

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 3rd respondent not to evict the petitioners from the land to an extent of Ac.0.28 cents in Sy.No.1047, Ac. 1.72 cents in Sy.No.1049 and Ac.0.02 cents in Sy.No.1053 situated at Madakalavaripalli Village, Gopavaram Mandal, YSR Kadapa District by suspending the Order in Ref.No.B/59/2020, dated 04.03.2020 issued by the 3rd respondent, pending disposal of WP No. 6786 of 2020, on the file of the High Court.

THE COURT MADE THE FOLLOWING ORDER:

Issue Notice before admission to the respondent.

Learned Government Pleader for Revenue takes notice for respondents.

Post on 15-04-2020.

The case of the petitioners is that they are landless poor persons and are in occupation of small extents of lands situated an extent of Ac.0.28 cents in Sy.No.1047, Ac.1.72 cents in Sy.No.1049 and Ac.0.02 cents in Sy.No.1053 situated at Madakalavaripalli village, Gopavaram Mandal, YSR Kadapa District inherited from their forefathers. They made a representation on 23.04.2015 to the 3rd respondent for grant of assignment pattas to them as per the eligibility and the same is pending consideration. Their grievance is that now the 3rd respondent issued a show cause notice vide proceedings in Ref. No.B/59/2020, dated 28.02.2020 directing the petitioners to evict from the lands in question. Thereafter, the petitioners submitted an explanation on 29.02.2020. But, the 3rd respondent, without considering the said explanation, issued the impugned proceedings in Ref.No.B/59/2020, dated 04.03.2020 directing the village Revenue Officer etc., to evict the petitioners from the lands in question. Assailing the same, the present writ petition came to be filed.

Learned counsel for the petitioners submits that the impugned order is passed under Section 6 of the A.P. Land Encroachment Act, 1908 without considering the explanation dated 29.02.2020, which is illegal and arbitrary. The 3rd respondent is under statutory obligation to pass a reasoned order giving reasons. The whole exercise of the 3rd respondent in passing the impugned order in a hurried manner without reference to the provisions of law as contemplated under the A.P. Land Encroachment Act, 1908 is highly illegal and capricious.

Having regard to the facts and circumstances of the case and considering the submissions of the learned counsel, this court, *prima facie*, satisfied that the petitioner has shown sufficient cause for grant of interim direction.

Accordingly, there shall be interim direction as prayed for.

SD/- K. TATA RAO
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Principal Secretary, Finance Department, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District, A.P.
2. The Managing Director, Andhra Pradesh State Irrigation Development Corporation, Corporate Office, Ammanana's Estate, Governerpet, Vijayawada, Krishna District, A.P.
3. The Superintending Engineer, APSIDC, Circle Office, D.No.4-24-52, Usha Nilayam, 1st Floor, 6th Lane, Mutyala Reddy Nagar, Guntur-522007.
4. The Executive Engineer, APSIDC Division Office, D.No.49-9/1-31, Swetcha Plaza, Vasavyanagar, Near Benz Circle, Vijayawada-520010.
5. The Pay and Accounts Officer, Works Account, Vijayawada, Krishna District.
6. The Secretary, Andhra Pradesh Building and other Construction Workers Welfare Board, Office of Commissioner of Labour, Seetharampuram, Vijayawada. (by RPAD- along with a copy of petition and memorandum of grounds)
7. One CC to SRI.M.DELHI BABU Advocate [OPUC]
8. One CC to Sri Y. Raja Manohar, Standing Counsel (OPUC)
9. Two CCs to GP FOR FINANCE & PLANNING, High Court Of Andhra Pradesh. [OUT]
10. One spare copy

SRL

HIGH COURT

MGRJ

DATED:17/03/2020

NOTE: POST ON 15.04.2020

NOTICE BEFORE ADMISSION

WP.No.6786 of 2020

INTERIM DIRECTION

