

**WRIT APPEAL No.899 of 2025**

Assistant Divisional Engineer and others

...Appellants

Vs.

Shahnaz Begum and others

...Respondents

Advocate for appellants : Sri A. Ravindra Babu, learned Central
Government Counsel.

Advocate for respondents : Sri P. Rajasekhar

**CORAM : THE CHIEF JUSTICE DHIRAJ SINGH THAKUR
SRI JUSTICE CHALLA GUNARANJAN**

DATE : 20th February 2026

P C :

The present Writ Appeal has been preferred against the judgment and order dated 27.11.2024 passed in Writ Petition No.20539 of 2011.

2. The petitioners suffered eviction proceedings under the provisions of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (for short, "the Act") when notices came to be issued by the officer concerned from the Railways Department. The said notices came to be challenged by petitioner Nos.1 and 2 by way of an appeal under Section 9 of the Act before the learned District Judge, Eluru, which was the appellate authority, *vide* A.S.No.98 of 1991. The matters stood remanded by the appellate authority to the concerned officer who had issued the notices earlier. This was done by

virtue of order dated 19.07.1997. No orders were issued by the authority concerned till as late as on 29.11.2010 when the Assistant Divisional Engineer, Eluru Sub-Division, Vijayawada Division passed the order of eviction against the petitioners. Being aggrieved by the said order, the writ petition came to be filed instead of availing the remedy of appeal before under Section 9 of the Act.

The learned single Judge, by virtue of judgment and order impugned in the present writ appeal, came to a conclusion that the Assistant Divisional Engineer was not the officer who could have exercised jurisdiction, as the said officer was not notified as an Estates Officer in terms of Section 3 of the Act.

3. Learned counsel for the appellants is not aggrieved of that part of the judgment which holds so. However, what was urged before us during the course of hearing was that although the Assistant Divisional Engineer, as was rightly held by the learned single Judge, did not have the authority to pass any order of eviction against the petitioners, yet, the right to initiate proceedings for eviction by a duly notified Estates Officer in terms of the provisions of the Public Premises (Eviction of Unauthorized Occupants) Act could not have been taken away.

4. On a perusal of the judgment and order impugned, it can be seen that the learned single Judge, apart from setting aside the order of eviction, also observed that the respondents were not entitled to interfere with the peaceful possession and enjoyment of the petitioners' subject house property without

initiating any legal proceedings as per the principles laid down by the Apex Court in **Government of Andhra Pradesh vs. Thummala Krishna Rao**¹.

5. Learned counsel for the respondents in the present appeal proceedings are not averse to filing objections to the eviction proceedings including the right to set up a defence on account of perfecting their right over the parcel of land in their possession on the basis of adverse possession, as it is asserted by the learned counsel for the private respondents that they have been in occupation and possession of the parcels of land for over 60 years. It is stated that in case any such eviction proceedings are initiated by a duly notified Estates Officer, liberty be granted to take any such defence before the said authority.

6. We do not wish to make any observation with regard to the issue as to whether the Estates Officer can at all go into the issue of adverse possession for purposes of evicting the private respondents. The respondents, however, will be at liberty to raise any number of defences as they may wish before the appropriate authority in case any such proceedings are initiated afresh for which the appellants would be at liberty to issue fresh notices for eviction which may appropriately be replied by the respondents herein. The judgment and order impugned to that extent shall stand modified. In case any such proceedings are initiated against the respondents, they shall be given an adequate opportunity of being heard including right of personal hearing.

¹ A.I.R. 1982 SC 1081

7. Accordingly, the Writ Appeal is disposed of. No order as to costs.

Miscellaneous Petitions pending, if any, shall stand closed.

DHIRAJ SINGH THAKUR, CJ

CHALLA GUNARANJAN, J

AMD

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**HON'BLE MR. JUSTICE DHIRAJ SINGH THAKUR, CHIEF JUSTICE
&
HON'BLE MR. JUSTICE CHALLA GUNARANJAN**

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Dt:20.02.2026

AMD