

THE HON'BLE SRI JUSTICE ASHUTOSH MOHUNTA

WRIT PETITION No.1666 of 2011

ORDER:

The petitioners were issued show cause notice under Section 7 of the Andhra Pradesh Land Encroachment Act III of 1905 (for short 'Act III of 1905') by the third respondent, dated 30.12.2010, for being in un-authorised occupation of 300 square yards of land situated in T.S.No.33, Block-Q, Ward No.271 of Kandikal Village. The petitioners were asked to submit their reply.

Learned counsel for the petitioners submits that the petitioners have filed their reply to the said show cause notice on 24.01.2011, but the same has not been considered by the respondents and now the petitioners are sought to be evicted from the said land.

Learned Government Pleader for Revenue submits that pursuant to the notice dated 30.12.2010, the third respondent has already passed orders on 13.01.2011 holding the petitioners to be in unauthorized possession of Government land admeasuring 300 square yards situated in T.S.No.33, Block-Q, Ward No.271 of Kandikal Village and directing the Special Revenue Inspector to carry out the eviction and to take possession of the said land. Therefore, the appropriate remedy for the petitioners is to file an appeal, if aggrieved.

From the aforementioned facts, it is clear that a show cause notice was issued under Section 7 of Act III of 1905 to the petitioners by the third respondent on 30.12.2010, which has already been adjudicated by the third respondent *vide* order dated 13.01.2011. Now, a notice under Section 6 of Act III of 1905 has also been issued to the encroachers. Therefore, the petitioners, if aggrieved, may question the order dated 13.01.2011 before the competent authority.

Therefore, the writ petition is not maintainable and the same is accordingly dismissed. However, the petitioners, if so advised, may

challenge the order dated 13.01.2011 by filing an appeal before the competent authority. There shall be no order as to costs.

ASHUTOSH MOHUNTA, J

Date: 31.01.2011
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