



**IN THE HIGH COURT OF ANDHRA
PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3505]

THURSDAY ,THE TWENTIETH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE T.C.D.SEKHAR

WRIT PETITION NO: 2073/2022

Between:

Mandapati Ramanaiah, and Others

...PETITIONER(S)

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner(S):

1.T G PRASAD REDDY

Counsel for the Respondent(S):

1.GP FOR REVENUE

The Court made the following order:

The petitioners claim that they are in possession of land admeasuring an extent of Ac.2.50 cents each in Sy.No.61 of Ananthamadagu Village, Sydapuram Mandal, SPSR Nellore District. It is their further case that, Ananthamadagu Grama Panchayat passed a resolution dated 13.10.2006, stating that, the petitioners and other villagers have occupied the lands in Sy.No.61 which are classified as grazing poramboke and requested the concerned revenue authorities to convert the said lands from grazing poramboke to AWD. It is further case of the petitioners that, they have invested huge amounts to bring the lands fit for cultivation and also dug a bore well for the purpose of carrying out agricultural operations. They further contended that they have obtained an electricity service connection for the propose of cultivation. It is further stated that citrus plants and jam oil trees are presently existing thereon. In view of the long standing possession over the said lands, the petitioners made representations dated 04.02.2021 and 21.12.2020, to the respondents requesting to grant D-Form pattas in their favor. Despite making the said representations, no action has been taken by the respondents.

2. It is further the case of the petitioners that, the 4th respondent erected caution board in the subject lands and directed the petitioners not to enter into the same. Questioning the said action, the petitioners filed writ petition *vide* WP.No.5212 of 2021, and the same was disposed of by order dated 04.03.2021, directing the respondents not to dispossess the petitioners from the subject land, without following procedure contemplated under law.

3. In pursuance thereof, the 4th respondent issued notice dated 07.12.2021, under Section 7 of the AP Land Encroachment Act, 1905, to which the petitioners claim that they have submitted explanation dated 14.12.2021 and 30.12.2021. Thereafter, the 4th respondent issued notice dated 31.12.2021, under Section 6 of the said Act stating that the petitioners are found to be in unauthorized occupation of the subject lands and they are required to pay assessment under Section 8 of the said Act by further directing them to vacate from the subject lands within a period of 48 hours from the date of the said notice.

4. It is further case of the petitioners that, without considering the objections raised by them, the 4th respondent passed order in

the Rc.B.312/2021, dated 31.12.2021, directing the Mandal Revenue Inspector to evict the petitioners from the subject land. It is the specific case of the petitioners that, without passing any orders under Section 6 of the Act without and considering the case of the petitioners' in proper perspective, the 4th respondent tried to dispossess the petitioners from the subject lands. Questioning the said action of the 4th respondent, the present writ petition is filed.

5. On perusal of the notice dated 31.12.2021, issued under Section 6 of the said Act, it is stated that the petitioners found to be in unauthorized occupation of the subject lands making them liable to pay assessment under Section 8 of the said Act by further directing them to vacate within 48 hours. It is not in dispute that the petitioners have submitted their explanation dated 14.12.2021 and 30.12.2021 to the 4th respondent. Neither notice dated 31.12.2021, nor proceedings dated 03.01.2022, referred to the objections submitted by the petitioners. Apart from the same, on perusal of the proceedings dated 03.01.2022, issued by the 4th respondent it is clear that, except stating that the explanation offered by the petitioners are not satisfactory, the same were not considered or adverted to. The said action of the 4th respondent is

nothing but violation of principles of natural justice. In the case on hand, the objections of the petitioners were not taken into consideration in the notice dated 31.12.2021 or in the proceedings dated 03.01.2022.

6. In view of the same, notice dated 31.12.2021, issued under Section 6 of the AP Land Encroachment Act, 1905 and subsequent proceedings dated 03.01.2022, issued by the 4th respondent are hereby set aside.

7. Accordingly the writ petition is allowed.

8. It is made clear that, this order will not preclude the 4th respondent from initiating fresh action against the petitioners in accordance with law.

There shall be no order as to costs. As a sequel, pending applications, if any, shall stand closed.

JUSTICE T.C.D.SEKHAR

Dt.20.03.2025
DSB

464**THE HON'BLE SRI JUSTICE T.C.D.SEKHAR****W.P.No.2073 OF 2022****Date: 20.03.2025****U***DSB*