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HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
THURSDAY, THE FOURTH DAY OF DECEMBER
TWO THOUSAND AND FOURTEEN

PRESENT:
THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
WP NO:37216 of 2014

Between:

- 1 Nallamala John, S/o. Devadanam,
- 2 Asodi Subbaravamma, W/o. Swami Reddy,
- 3 Gujjula Venkateswaramma, W/o. Srinivasa Reddy,
- 4 Bathula Bharathi, W/o. Ramakrishna,
- 5 Bonumukkala Bharathi, W/o. Yenu Gopal Reddy,
- 6 Sriramula Krishnaveni, W/o. Venkateswarulu,
- 7 Jagannadham Pedda Srinu, S/o. Venkateswarulu,
- 8 Madduluri Ravanamma, W/o. Nageswara Rao,

..... Petitioners

AND

- 1 The State of Andhra Pradesh, rep. by its Principal Secretary, Irrigation Department, Secretariat, Hyderabad.
- 2 The District Collector (Irrigation), Prakasam District, Ongole
- 3 The Chief Executive Engineer (Irrigation), Nagarjuna Sagar Project, Koppolu, Prakasam District.
- 4 The Assistant Executive Engineer, NSJC, (Irrigation) O&M, Section, Pelluru-2, Pelluru Village, Ongole Mandal, Prakasam District
- 5 The Tahsildar, Santhanuthalapadu Mandal, Prakasam District

..... Respondents

Petition under Article 226 of the Constitution of India, praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue order or direction more particularly one in the nature of Writ of Mandamus declaring the highhanded action of the 4th respondent in attempting to demolish the petitioners houses situated in Sy. Nos. 151 and 152, Pernamitta Village (presently within the limits of Ongole Municipal Corporation), S N Padu Mandal, Prakasam District without any authority of law and without enquiry is illegal, arbitrary and consequently direct the respondents 2 and 3 to take appropriate action on the representation dated 21.11.2014.

The petition coming on for hearing, upon perusing the petition and the affidavit filed herein and upon hearing the arguments of Sri I.Koti Reddy, Advocate for the Petitioner of the Asst. G.P. for Irrigation, (AP) for the Respondents, the Court made the following.

ORDER:

"Learned Assistant Government Pleader for Irrigation (AP) takes notice for the respondents and seeks time for filing counter affidavit.

Post on 27-01-2015.

A perusal of the impugned notices shows that the same have been issued by the Assistant Executive engineer, NSJC, O & M Section, Pelluru. However, he has not referred to the provision of law under which he has exercised his power.

At the hearing, the learned Assistant Government Pleader has fairly conceded that under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, or

under the A.P. Land Encroachment Act, 1905, it is the Revenue Department which is empowered to issue the eviction notices.

As prima facie respondent No.4 has no jurisdiction to issue the impugned notices, the eviction of the petitioners is stayed, pending further orders."

Sd/- A.SURYAPRAKASH RAO
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

1. The Principal Secretary, Irrigation Department, State of Andhra Pradesh, Secretariat, Hyderabad.
2. The District Collector (Irrigation), Prakasam District, Ongole
3. The Chief Executive Engineer (Irrigation), Nagarjuna Sagar Project, Koppolu, Prakasam District.
4. The Assistant Executive Engineer, NSJC, (Irrigation) O&M, Section, Pelluru-2, Pelluru Village, Ongole Mandal, Prakasam District
5. The Tahsildar, Santhanuthalapadu Mandal, Prakasam District. (Addressees 1 to 5 BY RPAD)
6. Two CCs to G.P. for Irrigation, (AP), High Court Buildings, Hyderabad (OUT)
7. one CC to Sri I.Koti Reddy, Advocate (OPUC)
8. One Spare Copy