

HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO

WRIT PETITION No.11052 of 2023

ORDER:

The petitioner is said to be running a petty shop adjacent to KVR College, Nandigama to Chandrapuram Road, Nandigama. The petitioner had received a notice bearing Ref.No.AE/NDG/336 dated 15.04.2023, from the 3rd respondent, directing him to shift the shop within 7 days. A reply is said to have been given to the notice, by the petitioner on 19.04.2023. However, the said reply was refused due to which the petitioner has approached this Court.

2. The learned Government Pleader for Irrigation, on instructions, submits that the Irrigation Authorities had found that the petitioner had encroached on to the siphon of the canal due to which notices had been issued to the petitioner and another person, on 15.04.2023, to remove the shops. The learned Government Pleader would further submit that this was done primarily to clear the obstruction on the canal and not for any extraneous or political reasons as claimed by the petitioner.

3. The respondents claim that the petitioner is in illegal occupation of Government Poramboke land. In such circumstances, the Irrigation Authorities would be entitled to

seek eviction of the petitioner from the said land. However, no provision under the Irrigation Act had been brought to the notice of this Court, empowering the Irrigation Authorities to remove encroachments.

4. It appears that such encroachments can be removed only in accordance with the provisions of the Andhra Pradesh Land Encroachment Act 1905. This Act stipulates that it is only the District Collector, The Tahsildar or The Deputy Tahsildar who can initiate action for evicting illegal occupants of government land.

5. In the circumstances, this Writ Petition is disposed of leaving it open to the respondents 2 and 3 to take steps in accordance with the Andhra Pradesh Land Encroachment Act, 1905. There shall be no order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

R. RAGHUNANDAN RAO, J.

11.05.2023

RJS

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