

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 13815 of 2011

ORDER:

-

Heard learned counsel for the petitioners and learned Government Pleader for Revenue.

With the consent of both the parties, the writ petition is disposed of at the admission stage itself.

The present writ petition is filed seeking issuance of a writ of mandamus to declare the action of the respondents in dispossessing or demolishing the houses in Plot Nos. 1881, 1899, 1904, 1900, 1405, 1406, 1894, 1891, 1895, 1898, 1896, 1902, 733, 1648, 561, 585 and 584 respectively situated at Kalluripalli Village of Nellore Mandal and District, without following due process of law, as illegal, arbitrary and violative of principles of natural justice.

The averments in the affidavit filed in support of the writ petition are as under:

The petitioners, who are all poor people belonging to Scheduled Tribe, Scheduled Caste and Backward Class community, eking out their livelihood by doing petty business as hawkers. Keeping in view of need of the people, the Government made a provision for allotment of house site pattas to the landless poor persons. Accordingly, the Government issued pattas in favour of the petitioners in the year 1996 by allotting house sites, admeasuring 9 ankanams each. Thereupon, all the petitioners undertook construction of houses by borrowing amounts. Since the date of allotment there was no interference whatsoever in any manner either by the authorities or by any other person. While things stood thus, on 08.04.2011 and 18.04.2011 the subordinates of third respondent

came to the site and demanded the petitioners to vacate the houses and threatened to evict them within a day or two in the event they fails to vacate the same. All the petitioners approached the third respondent and informed him about the assignment of house site pattas to them. The authorities paid deaf ear to their representation and on the otherhand warned that they would come and demolish their houses within a day or two. On 21.04.2011 again the respondent authorities came to the site and tried to demolish the houses constructed in the house sites assigned by the government. Hence, the writ petition.

The counsel for the petitioners submits that the action of the authorities in trying to dispossess the petitioners without following the due process of law is illegal and arbitrary.

Without going into the merits of the case and having regard to the submissions made, the writ petition is disposed of by directing the respondents not to dispossess the petitioners in respect of the houses bearing Plot Nos. 1881, 1899, 1904, 1900, 1405, 1406, 1894, 1891, 1895, 1898, 1896, 1902, 733, 1648, 561, 585 and 584 respectively situated at Kalluripalli Village of Nellore Mandal and District without following due process of law, if the petitioners are in possession of the same. No order as to costs.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

29.07.2015
gkv