

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.39718 of 2014

ORDER:

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Revenue (A.P.) for respondents.

This writ petition is filed to declare the action of the 3rd respondent in trying to demolish the petitioner's school and junior college running under the Mother Theresa Educational Society, Tekkali in Sy.No.471/5 and 472/1 of Tekkali Raghunathapuram Villagae Tekkali Mandal, Srikakulam District, as illegal and arbitrary.

The petitioner is a registered Educational Society. It is running a School and Junior College at Tekkali, Srikakulam District since 2000. Originally the property in Sy.No.471/5 and 472/1 of Tekkali Raghunathapuram Village belongs to Boddepalli Sujatha @ Padmavathi, W/o Griridhar Rao and Paila Narayana Rao. The said two persons have constructed buildings and leased out the same to the petitioner-society through registered lease deeds dated 20.08.2006, 27.11.2006 and 27.10.2009 for a period of 10 years and 17 years respectively. There are about 500 students in the said School and Junior College. The petitioner-society also provided various other facilities and amenities for the purpose of students. The main grievance of the petitioner is that the officials of the 3rd respondent are threatening to demolish the constructions standing on the premises without issuing any notice or opportunity to the petitioner proclaiming that the land is belonging to the Government. In those circumstances, the petitioner has approached this Court by way of the present writ petition.

The learned Government Pleader for Revenue (A.P) submits that no proceedings have been initiated either against the owner of the premises or against the petitioner as on today and that the writ petition is filed on mere apprehension. Hence the writ petition is not

maintainable, and he prays for dismissal of the writ petition. However, he fairly concedes that the respondent authorities shall not take any action without following due process of law.

In the circumstances, I deem it appropriate to direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioner's property, viz., School and Junior College, without following due procedure in accordance with law.

Accordingly the writ petition is disposed of directing the respondents not to interfere with the petitioner's peaceful possession and enjoyment of the property in question without following due procedure under law. It is needless to mention that if the respondents intend to take any action they shall follow the procedure in accordance with law. No order as to costs.

CHALLA KODANDA RAM, J.

21st January, 2015
Js.