

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No. 2593 of 2015

DATE: 10.02.2015

Between:

Bellamkonda Gopala Swamy and another .. Petitioners

And

1. The State of Andhra Pradesh
2. The Revenue Divisional Officer
3. The Tahsildar .. Respondents

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ORDER:-

The petitioners assert that they are absolute owners and possessors of the lands in an extent of Ac.0.04 cents each in R.S.No.191(old R.S.No. 194/4) situated in Mandapakala village, Koduru Mandal, Krishna District having inherited the property from their ancestors by way of partition effected in 1974 and thereafter constructed residential buildings therein. While so, it is stated that when the Grampanchayat has been contemplating to evict them from the lands under political influence, the petitioners instituted civil suits and writ petitions against private individuals who also filed counter cases and the same were disposed of in favour of the petitioners. On 27.06.2006, the 3rd respondent-Tahsildar issued a notice to the petitioners under Section 7 of the A.P. Land Encroachment Act, 1905 (for brevity "the Act") calling for their explanation as to why they should not be evicted and the petitioners submitted an explanation on 06.07.2006. Now, the petitioners' grievance is that even though they submitted explanation as long back as on 06.07.2006, the 3rd respondent, without considering their explanation nor following the due process of law, is threatening that with the assistance of the police he would evict the petitioners forcibly and demolish their buildings. Hence, the present writ petition is filed seeking appropriate directions.

Heard the learned counsel for both the parties and perused the material placed on record.

Considering the fact that earlier civil litigations culminated in favour of the petitioners and in view of the orders passed in W.P.No.8592 of 2007 dated 09.06.2011 directing them to avail appropriate remedy in the event any order of eviction is passed against them in pursuance of the notices issued under Section 7 of the Act and also in the light of the orders passed in W.P.No.21465 of 2009 dated 21.11.2014 directing the 3rd respondent to re-inspect the area within the time stipulated and then take steps for removal of encroachments in the tank poramboke, this Court deems it appropriate to dispose of the writ petition with the following directions:

“The respondents shall not dispossess the petitioners from the lands in question nor demolish their buildings without following the due process of law either under the A.P. Land Encroachment Act, 1905 or under any other provision of law as may be applicable.”

With the above direction, this writ petition is disposed of.
No order as to costs.

As a sequel to the disposal of the writ petition, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

CHALLA KODANDA RAM, J

10.02.2015
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