

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION Nos. 2000 and 2108 of 2015

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COMMON ORDER:

Challenging the action of respondents in trying to demolish their houses, these two writ petitions are filed. The subject matter of these writ petitions being similar, they are being disposed of by this common order.

2. The common averments in these writ petitions, in brief, are that the petitioners are daily labour working in Gopal Setty Flour Mill and Changappa Setty Flour Mill, and they purchased their houses i.e., H.Nos.6-3-23/C and 6-27/1 at Sai Nagar, Madanapalle Road; H.Nos.13-205/D and 13-205/A at Dandapalli road; and H.No.13-208 at Madanapalli road, all covered by Survey No.556 of Palamaner village, Palamaner, Chittoor District, from their respective vendors a long time ago and are living in the said houses for the past several years. They state that they are paying relevant taxes and were provided with basic amenities. While so, respondents 4 and 5 and their staff came to their locality on 28.01.2015 and on 31.01.2015, inspected the place and told the petitioners to vacate the houses and that the houses will be demolished on 04.02.2015. The petitioners state that earlier they filed W.P.Nos.33640 and 33642 of 2012, and this Court by order dated 20.11.2012 disposed of the writ petitions directing the respondents not to dispossess the petitioners without following due process of law. The petitioners, by way of these writ petitions, pray to protect their possession in the face of alleged imminent threat of dispossession.

3. The petitioners' counsel submits that earlier the petitioners approached this Court by filing W.P.Nos.33640 and 33642 of 2012 and this Court disposed of the writ petitions on 20.11.2012 directing the respondents not to dispossess the petitioners without initiating proceedings either under the Land Encroachment Act or any other applicable law. He submits that frequent visit of revenue officials is causing great anguish to the petitioners and the petitioners fear

dispossession from their house sites. He further submits that inspite of the orders of this Court in the earlier writ petitions the respondent officials are threatening to demolish the houses.

4. Learned Assistant Government Pleader places on record the written instructions received from the 4th respondent-Tahsildar vide Roc.A3/530/2012 dated 05.02.2015. Based on the instructions, he submits that pursuant to the observations made by this Court in W.P.Nos.33640 and 33642 of 2012, and as per the instructions contemplated in Government Memo No.1493, Revenue (Assgments-POT) dated 1.12.2007, the respondent officials are visiting the area for the purpose of ascertaining the ground situation. Learned Assistant Government Pleader specifically denies the allegation that the respondent officials have made a threat of demolition. He further submits that the present writ petition is merely based on apprehension and there is no specific cause of action in the writ petition.

5. In view of the orders of this Court in W.P.Nos.33640 and 33642 of 2012, and in the light of specific assertion of the respondent-authorities that, as on today, no eviction proceedings as such have been initiated, this Court is of the view that no orders are necessary in these writ petitions.

6. Accordingly, the writ petitions are closed, giving liberty to the petitioners to approach this Court if any specific cause of action arises. It is needless to reiterate that the petitioners shall not be dispossessed without following due process of law. No order as to costs.

Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

CHALLA KODANDA RAM, J

09th February, 2015
KSM