

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.4552 of 2015

ORDER:

The case of the petitioners is that they are all poor people belonging to weaker sections and they have occupied the Government land in survey No.2084 situated at Nakkagopal Nagar, Kothur Gram Panchayat, Nellore Rural Mandal, SPSR Nellore District, about 7 years back and erected small thatched and tin roofed houses and residing there. They have also obtained electricity connections and their names are enrolled in voters list. The grievance of the petitioners is that now the officers of the Government, particularly, respondent Nos.3 and 4 are threatening to dispossess them. The petitioners submit that they have not been issued with any notice and their summary dispossession without following due process would cause enormous damage to them.

The learned Assistant Government Pleader for Revenue [A.P.] on instructions submit that the land to an extent of Ac.08.00 situated in Nellore Bit-I, Kothur Village was initially assigned in favour of one Damarla Raghavaiah S/o Venkatesu and Giddaluru Kanthamma W/o Subbaiah for agricultural purposes. However, the said assignees did not bring the land under cultivation. The land is situated in limits of Municipal Corporation and useful for future needs of Government. Necessary steps are being taken for cancellation of assignment granted in favour of the original assignees for violation of the assignment conditions under the POT Act, 1977. The petitioners are all encroachers and steps would be taken to evict the encroachers and resume the land to the Government especially considering the valuable nature of the land, which is useful for public purpose.

In the light of the respective submissions, one aspect is clear that the petitioners are in occupation of the Government land. In other

words, the fact that they are encroachers is being admitted by the petitioners themselves may be on account of the economic condition and they have occupied the vacant land available in the town and put tenements. In the light of the fact that they are in possession of the government land, it is open for the respondents to initiate appropriate proceedings and evict the encroachers by following procedure prescribed under the Act. Till such time, steps as envisaged under the Act either the land Encroachment Act or under the Land Grabbing Act, the petitioners shall not be evicted.

However, it is made clear that the protection given by this Court to the extent that the petitioners shall not be evicted without following due process of law, shall not in any way entitle the petitioners to make constructions or in bringing up permanent structures, if they do so, they shall not be entitled to claim any equities and the authorities would be entitled to prevent such constructions.

Accordingly, this writ petition is disposed of. No order as to costs.

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

CHALLA KODANDA RAM, J

Date: 12.03.2015
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