

HON'BLE SRI JUSTICE SANJAY KUMAR

Writ Petition No.18250 of 2004

Date: 27.01.2015

Between:

Madisa Laxman

... Petitioner

And

The Commissioner, Gajuwaka Municipality
Gajuwaka, Visakhapatnam District & others

... Respondents

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Writ Petition No.18250 of 2004

ORDER:

The grievance of the petitioner was that the respondents were seeking to interfere with his peaceful possession and enjoyment over the land in Sy.No.71/16, Plot No.33, of Jaggarajupet, Gajuwaka Mandal, Visakhapatnam District. The petitioner claimed that he is eligible for assignment as per the relevant government orders and sought exemption in respect of the admitted encroachment made by him.

2. By interim order dated 07.10.2004, this Court directed that in the event the petitioner had encroached any land, he should not be evicted without due procedure. No counter-affidavit has been filed by the respondents till date, though more than 10 years have lapsed.

3. As the short issue raised by the petitioner is with regard to the

protection of the land which is allegedly in his possession and as the State has already been directed to follow the due procedure laid down by law to evict him, the writ petition is disposed of with a direction to the respondents not to proceed against the petitioner, if he still continues to be in possession of the subject land, except in accordance with the due procedure laid down by law.

4. The petitioner has chosen to describe the State as the Government of Andhra Pradesh, the 2nd respondent herein. This is defective as the Government of Andhra Pradesh is not *sui juris*. However, as the writ petition has been pending on the file of this Court for over a decade, this Court is not inclined to dismiss the writ petition on this mere technicality. The description of the 2nd respondent shall therefore stand corrected and read as the ‘State of Andhra Pradesh’. The Office is directed to carry out necessary amendments in the cause title before issuing a copy of this order.

5. The writ petition is disposed of with the above directions. Pending miscellaneous petitions, if any, shall also stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

Date: 27.01.2015
BSS

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