

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.9600 of 2015

Date: 27-04-2015

Between:

Yerriboina Nagalakshmi

.. Petitioner

AND

The State of Andhra Pradesh, represented by its

Secretary, Panchayat Raj Department, and 2 others

.. Respondents

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.9600 of 2015

ORDER:

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This writ petition is filed for a mandamus declaring the action of the 3rd respondent in taking steps to demolish the house of the petitioner situated in Sy.No.846/A, Singarakonda village, Addanki Mandal, Prakasam District without issuing any notice as illegal and arbitrary and violative of Articles 14 and 21 of the Constitution of India and for a consequential direction to the 3rd respondent not to interfere with the petitioner's property except by following due process of law.

2. The case of the petitioner is that he is resident of Singarakonda village, Addanki Mandal, Prakasam District and belongs to Backward Class Community

and the family of the petitioner is residing by constructing small RCC house to an extent of Ac.0.03 guntas in Survey No.846/A in 1999 without any disturbance by eking out their livelihood in running a small fancy store. It is stated that in the process of conducting survey of houseless poor and landless poor persons in Prakasam District by the Government, the petitioner was identified as eligible person to get house loan through APSHC and on satisfying the petitioner's residence in the said house for the last 12 years, the Government issued a Certificate in Rc.D7/955/2010, dated 11-07-2011 to the petitioner. While so, the 3rd respondent all of a sudden on 04-04-2015 came to the house of the petitioner and asked the petitioner to vacate the house and to remove the structure, for which the petitioner shown the possession certificate issued by Tahsildar, Addanki. Aggrieved by the action of the 3rd respondent-Gram Panchayat in interfering with the possession of the petitioner without following due process of law, the present writ petition has been filed.

3. Heard the learned counsel for the petitioner and Sri G. Seshadri, learned standing counsel for the respondent Gram Panchayat, who stated that so far the 3rd respondent-Gram Panchayat has not interfered with regard to the subject house, and the respondent Gram Panchayat will take necessary action against the petitioner by following due process of law.

4. Recording the statement made by the learned standing counsel, the writ petition is disposed of directing the respondent authorities not to evict the petitioner without following due process of law as envisaged under the law. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A. RAJASHEKER REDDY, J

Date: 27-04-2015