

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No. 4029 of 2015

DATE: 09.03.2015

Between:

P. Vathsala Bai and nine others
Petitioners

And

1. The State of Telangana
 2. The District Collector
 3. The R.D.O.
 4. The Tahsildar
 5. The Dy. Executive Engineer
- Respondents

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ORDER:-

The petitioners claim to have been in possession of various residential houses on the road side margin in Sy.No.51 situated in Basar village, Mudole Mandal, Adilabad District for the last 20 to 30 years and constructed temporary sheds and running petty business therein by paying cist to the Panchayat Raj Department. While so, it is stated that the Government issued orders in G.O.Ms.No. 58, dated 31.12.2014 proposing to regularize Government lands. In pursuance of the Government Orders, the petitioners made individual applications on 10.01.2015 seeking regularization of their lands up to an extent of 125 square yards each which were received by the 4th respondent-Tahsildar on 13.01.2015, and the same are under consideration. Now, the petitioners' grievance is that in spite of the issuance of G.O.Ms.No.58, the 5th respondent - Deputy Executive Engineer, (R & B) Sub-Division, Bhainsa, with the instigation of Sarpanch of the same village, without issuing any notice and without following the due process of law, is threatening to

dispossess them from the lands by demolishing the structures constructed therein.

The learned Government Pleader for Roads and Buildings appearing for the 5th respondent has placed on record Communication dated 19.02.2015 received from the

5th respondent and submitted that as on today, no such temporary constructions belonging to either the 1st petitioner or others of Ravindrapur colony of Basar village are removed, however on account the proposed scheme for widening the road in Basar village which has been sanctioned, temporary sheds constructed in R & B road margin will certainly be removed in due course.

In the light of the instructions received from the 5th respondent, the writ petition is premature and the same is liable to be dismissed, however this Court feels that interest of justice would be served if the writ petition is disposed of with the following directions:

“The respondents are directed to initiate appropriate legal proceedings and pass necessary orders and also give reasonable time to the petitioners to vacate the structures constructed on the road margin which are under their occupation. Till such time, as the respondents pass appropriate orders after issuance of notices to the petitioners directing them to vacate the premises, *Status Quo* obtaining as on today shall be maintained by the parties. It is made clear that this order shall not be construed as permission granted in favour of the petitioners and the same is only to ensure that due process of law is followed before the petitioners are evicted.”

With the above direction, the 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

09.03.2015

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