

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 5165 of 2015

ORDER:

Challenging the action of the 3rd respondent in trying to demolish the constructions made by the petitioners and evict them from the land in their occupation, the present writ petition is filed.

2. It is the case of the petitioners that they are landless poor and eking out their livelihood by doing coolie work and they made an application to the 3rd respondent for grant of house sites and the 3rd respondent granted house sites to them in an extent of Ac.0-81 cents each in Survey No.636 in Nalgonda town vide proceedings dated 25.02.1999 as per the Board Standing Orders, and they raised small sheds and are residing therein and they were also provided with electricity connection. While so, the 3rd respondent came to their houses and threatened to demolish their constructions and evict them. The petitioners allege that they were not issued with any notice and the proposed eviction action of the 3rd respondent is not in accordance with law.

3. At the hearing, the petitioners' counsel states that in respect of the very same survey number, similarly situated persons challenged the eviction action of the respondent authorities by filing W.P.No.6621 of 2013 and this Court disposed of the said writ petition on 06.03.2013 and the subject matter of the present writ petition is squarely covered by the orders passed by this Court in W.P.No.6621 of 2013. Learned Government Pleader does not dispute the same.

4. This Court, by orders dated 06.03.2013, disposed of the W.P.No.6621 of 2013 observing as follows:

“ As the petitioner's possession of the subject land, and the construction made by her thereupon, is admitted, the only manner in which she can be evicted from the subject land, or the house demolished, can only be in accordance with law. Ends of justice would met if the respondents are directed not to dispossess the petitioner or to demolish the structures raised on the subject land, (a photograph of

which is filed along with the Writ Petition), except in accordance with law, including the provisions of Andhra Pradesh Land Encroachment Act, or the Board Standing Orders, as the case may be.”

5. In view of the orders passed by this Court in W.P.No.6621 of 2013, this writ petition is also disposed of directing the respondent authorities to follow due process of law in case any action affecting the petitioners' possession over the lands in their occupation is proposed. No costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

CHALLA KODANDA RAM, J

17th March, 2015

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