

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

Writ Petition No. 3137 of 2012

ORDER :

The first and second petitioners are the absolute owners and possessors of landed property in Survey Nos.1902/3, 1903/2 and 2250/2C and 1904, 1924A, 1905A and 2250/2B of Damalacheru Village, Pakala Mandal, Chittoor District respectively. Both the petitioners succeeded to the same from their ancestors. Pattadar Passbooks and title deeds were granted by the Tahsildar of Pakala Mandal in their favour. In between the lands of petitioners there used to exist 12 feet width cart track leading from Damalacheruvu Pulicherla road to Chittinayana Cheruvupalli road and further to Manginayanapalli Road. At the request of the 1st respondent, the petitioners donated 5 feet width land all along said cart track to make 22 feet gravel road in the year 2005. That gravel road serve the purpose of passage to the fields on either side and only about 20 houses being a small habitation colony called Manginayanapalli, which does not require any further road widening. However, on 06.02.2012, the respondents 1, 3 and 4 along with their staff visited the lands and undertook marking for widening of existing 22 feet width gravel into 36 feet black top tar road and they threatened to evict the petitioners by police protection, without following due process of law. Aggrieved by the action of the respondents 1, 3 and 4, the present writ petition is filed.

2. No counter affidavit is filed by the respondents.
3. Heard learned counsel for the petitioners, Sri G.Narender Reddy, learned Standing Counsel for the first respondent, learned Government Pleader for Revenue appearing for 2nd respondent, learned Assistant Government Pleader for Roads and Buildings-3rd respondent and Sri

G.Seshadri, learned Standing Counsel for the 4th respondent.

4. This Court, by order dated 07.02.2012 observed that the *prima facie* petitioners have the right and interest over the property in survey numbers, granted interim order not to dispossess the petitioners

5. Learned Assistant Government Pleader for Roads and Buildings appearing for 3rd respondent on instructions submits that they will follow due process of law, if at all any road widening process is taken up.

In view of the submission of the learned Assistant Government Pleader for Roads and Buildings, this writ petition is disposed of directing the respondents not to dispossess or evict the petitioners without following due process of law.

With the above direction, this writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous applications, if any pending in this Writ Petition, shall stand dismissed.

A.RAJASHEKER REDDY, J

08.09.2015.
KVS

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

-
-
-
-
-
-
-
-
-
-

-
-
-
-
-
-
-
-
-
-
-

W.P. No.3137 OF 2012

-
-
-
-
-
-
-
-
-

Date: 08-09-2015

KVS

-
-
-
-
-
-
-
-

