

HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

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WRIT PETITION No. 9197 of 2011

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ORDER:

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Heard learned counsel for the petitioners, learned Government Pleader for Respondents and learned counsel for the impleaded petitioner. With the consent of all the parties, the present Writ Petition is disposed of at the stage of admission.

Questioning the action of the respondents in dispossessing and demolishing the thatched houses situated in Survey No.2079/3 of Kothur village, Nellore Bit-I, Nellore Rural Mandal, SPSR Nellore District, as illegal and arbitrary, the present Writ Petition is filed.

The averments in the affidavit filed in support of the Writ Petition are as under :

The land in Sy.No.2079/3 is being a vacant Government land was occupied by the landless poor persons belonging to Scheduled Caste and Scheduled Tribe. It is said that they are in possession of the land since last 15 years without there being any objection from any of the authorities. The petitioners are alleged to have made applications to the Southern Power Distribution Company for providing electricity supply to their thatched houses and also made representations to the Authorities for assigning the land in their favour. It is further stated that election identity cards were also issued in favour of the petitioners showing their address in the land which is the subject matter of dispute in the present Writ Petition. While things stood thus, on 23.03.2011 the officials from the offices of the second respondent visited their land and made attempts to dispossess them from the said land. With great difficulty they resisted the same. Similarly on 30.03.2011 and also on 31.03.2011 the officials tried to

demolish the thatched huts, but the petitioners were able to protect their interest. It is said that since the petitioners are in occupation of the land, though it is a Government land, the officials have to dispossess them by following due process of law and not otherwise.

On 29.04.2011 this Court ordered *status quo* as on that day with regard to the possession of the land, but, however observed that the same shall not be treated as a permission for the petitioners to go on occupying further extents of land. The said order was being extended from time to time. Pending the said petition, an implead application was filed and ordered.

The counter filed by the Tahasildar shows that the allegation of respondents evicting the petitioners without following due process of law is illegal and improper and if the petitioners are evicted from the land in question, the same will be done in accordance with law.

Since the request of the petitioners is to follow due process of law before dispossessing them and having regard to the averments made in the counter, the writ petition is disposed of directing the respondents to follow due process of law before taking any steps to dispossess them, if the petitioners are in possession of the same.

With the above direction, the Writ Petition is disposed of. No order as to costs. Miscellaneous Petitions pending if any in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

Date:28.10.2015

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