

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.29807 of 2015

ORDER:

Heard.

The petitioners have approached this Court by way of present writ petition alleging that the respondents are threatening to dispossess them from their houses in Sy.No.2058 situated at Umareddygunta, Nellore.

The petitioners claim that they were assigned plots of 9 akanams each in the said survey number by the 4th respondent and that they are in possession and enjoyment of their respective plots and houses by paying necessary taxes. While so, the 5th respondent stated to have given notices to the petitioners and one such notice is produced as Ex.P-11, which is a notice issued under Premises (Eviction of Unauthorized Occupants) Act, 1971. It is stated that the petitioners appeared in response to the said notice and filed their objections, but no orders are passed so far. However, the 5th respondent is threatening to dispossess the petitioners from the plots in question.

On the basis of those allegations, when the writ petition was heard on 22-09-2015, there was an interim direction not to evict the petitioners.

A counter affidavit has since been filed on behalf of the 5th respondent stating that the property in question belongs to the 5th respondent and since the encroachments by the petitioners and others were noticed, each one of them was given notices under the Act, referred to above, and that the petitioners have appeared and filed objections. However, on account of pendency of this writ petition, it is stated that no orders are passed so far.

The petitioners having already appeared before the Estate Officer and as the learned counsel states that the petitioners have filed necessary documents and objections to the said notices, in my view, it is appropriate for the Estate Officer to consider the replies/objections filed by the petitioners and take appropriate decision

in the matter in accordance with the Act, referred to above. Till the Estate Officer considers and pass appropriate orders, there shall be no eviction of any of the petitioners from the plots in question.

With the above direction, the writ petition is disposed of. No order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed

VILAS V.AFZULPURKAR, J

Date: 05-11-2015

Prv

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.29807 of 2015

05-11-2015