

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.16260 OF 2012

DATED 04th JUNE, 2015

Between:

Neeli Atchi Babu and another .. Petitioners

and

The Executive Engineer (R & B)

Bhadrachalam, Khammam District

and others .. Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION NO.16260 OF 2012

ORDER

The grievance of the petitioners was that the respondent authorities were

trying to demolish their houses bearing door Nos.4-1 and 4-1/1, Kunavaram Village and Mandal, Khammam District, without following the due procedure laid down by law.

By order dated 05.06.2012, this Court directed *status quo* obtaining as on that day to be maintained until further orders. No counter-affidavit has been filed by the State.

The Panchayat Secretary, Kunaaavaram Gram panchayat, Khammam District, the third respondent, however filed a counter stating that the petitioners were, in fact, the owners of the subject house properties but denied the allegation that the Gram Panchayat was trying to demolish the same without following the due procedure laid down by law. He further stated that the Roads and Buildings department of the State was undertaking road widening and in that process, certain markings had been effected which impacted the petitioners' house properties. The Secretary affirmed that as and when there was a need, the Gram Panchayat would follow the due procedure and take action for acquiring the petitioners' land and that as on the date of filing of the counter, there was no contemplation to initiate any proposals in that regard. This counter-affidavit was filed on 04.07.2012.

In the light of the above facts, this Court is of the opinion that this writ petition neednot be kept pending awaiting the stand of the State as it is clear from the Gram Panchayat's counter that the petitioners are the owners of the subject house properties.

In that view of the matter, the writ petition is disposed of directing the respondent authorities to follow the due procedure laid down by law in the event they wish to interfere with the possession of the petitioners over the subject house properties. Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

04th JUNE, 2015

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