

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION Nos.7181 and 6240 OF 2012

COMMON ORDER:

Both the writ petitions are filed challenging the Notice No.P3/110(1)/2012-BDN, dated 23.02.2012 issued to the petitioners by the 3rd respondent-Depot Manager, APSRTC, Bodhan.

The purport of the Notice dated 23.02.2012 is that the petitioners are alleged to have occupied a small extent of land situated in Sy.No.273 of Doutyal Tarfa in Bodhan Town, beside the out gate road of RTC Bus Depot, Bodhan, which land belongs to the Bodhan RTC Depot, and hence the petitioners are required to vacate the premises. The cause of action for the issuance of the impugned notice is alleged survey on 23.02.2012 conducted by the respondent Corporation in the RTC lands of Bhodan Depot. The impugned notice itself states if the constructions are not removed within 15 days necessary legal action will be initiated against the petitioners. The specific assertion of the writ petitions is that RTC has acquired only a small extent of land i.e., Ac.0-10 guntas and the alleged physical survey on 23.02.2012 was put on notice to the petitioners, and at any rate the very notice itself is clear and states that the petitioners are located besides the out gate road of the Bodhan Bus Depot, thereby meaning petitioners are outside the boundaries of the Bodhan RTC Depot, and they have no manner of right to issue such notice. It is further contended that by marking copy of the impugned notice to Circle Inspector of Police, Bodhan Town, the respondent Corporation is trying to threaten the petitioners highhandedly. Hence these writ petitions.

Counter affidavit is filed denying the allegations and reply affidavit also has been filed to the counter affidavit.

The controversy in these writ petitions is in narrow compass that

the impugned notice can be read only as a caution to the petitioners to vacate the premises on the allegation that the petitioners are in occupation of the land in Sy.No.273. The impugned notice itself states that necessary legal action will be initiated against the petitioners if the petitioners fail to vacate the premises. The prayer in these writ petitions reads that the petitioners shall not be dispossessed from the land in Sy.No.273, thereby it is admitted that the petitioners are in occupation of the land in Sy.No.273. However, the questions whether the entire land situated in Sy.No.273 belongs to the Bodhan RTC Depot or belongs to the private parties, and which portion of the land in Sy.No.273 is in occupation of the petitioners and that the portion of the land, in which the petitioners are in occupation, whether belongs to the RTC or not, are all the matters which cannot be decided in these Writ Petitions. However, the impugned notices have been issued by the respondent Corporation, who is an authority constituted under the statute and coupled with the fact a copy has been marked to the Circle Inspector of Police, Bodhan Town, would justify the apprehension on the part of the petitioners that they are sought to be evicted highhandedly. In the facts of the present case, interest of justice would be served if the writ petitions are disposed of by giving liberty to the respondent authority to take appropriate legal steps to assert their right over the land in Sy.No.273 and evict the petitioners by following due process of law, in case they are of the opinion that the petitioners are in occupation of the land belongs to the Corporation.

With the above observation, the Writ Petitions are disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall also stand closed.

CHALLA KODANDA RAM, J

Dated: 16.12.2015
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