

HONOURABLE SRI JUSTICE RAJA ELANGO

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WRIT PETITION NO:26567 OF 2010

ORDER:

1. This writ petition is filed seeking to declare the action of the 1st respondent in interfering with the peaceful possession and enjoyment of the small brick shed shop of the petitioner in R.S.No.118/2 of Razole village and Mandal, East Godavari District, as illegal and arbitrary and consequently, to direct the respondents not to demolish the said shop by dispossessing the petitioner from the said premises.

2. It is the case of the petitioner that he has been in peaceful possession and enjoyment of the above shop and on 24.8.2009, a notice was issued by the 1st respondent-Panchayat directing him to vacate the premises, for which he gave a reply. Thereafter, the 1st respondent kept quiet. While so, on 25.10.2010 the 1st respondent high handedly removed the part of the roof of the shed and threatened the petitioner to vacate the premises immediately.

3. Heard and perused the material available on record.

4. From the averments in the affidavit, it is obvious that the present writ petition has been filed basing on the notice issued by the 1st respondent on 24.8.2009, wherein the 1st respondent directed the petitioner to remove the shed within 72 hours.

5. On 27.10.2010 while admitting the writ petition, this Court directed the 1st respondent not to dispossess the petitioner from the shop in question.

6. Till date, the respondents have not filed any counter informing this Court as to

whether the said shop was raised in the panchayat property or in the land of the 2nd respondent.

7. Considering the above facts and circumstances of the case, the writ petition is disposed of with the following direction:

“The respondents are directed not to dispossess the petitioner from the shop in question without following due process of law. If the 1st respondent intends to remove the shop of the petitioner herein, they may do so by following due process of law.”

No order as to costs. Consequently, the miscellaneous petitions pending, if any, shall stand closed.

Justice Raja Elango

Date:13.3.2015

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