

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.10691 of 2011

ORDER:

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Heard learned counsel for the petitioners and learned counsel for the respondents. With the consent of both the parties, the Writ Petition is disposed of at the admission stage itself.

The present Writ Petition came to be filed seeking to declare the action of the respondents in attempting to demolish the structures and to forcibly dispossess the petitioners from their respective plots bearing Nos.06,05, 04,15,11,1,3,12,5 and 13 in Survey No.101 of Vedurlanarava Village of Sabbavaram Mandal, Visakhapatnam, known as Sandhyanagar, inspite of issuance of possession certificates enabling to raise constructions, without giving any notices, without affording an opportunity of being heard and without passing any order, as illegal and arbitrary.

The averments in the Writ Petition are that the petitioners are in possession of plot Nos. 06, 05, 04,15,11,1,3,12,5 and 13 in Survey No.101 of Vedurlanarava Village of Sabbavaram Mandal, Visakhapatnam known as Sandhyanagar pursuant to the possession certificates issued on 09.06.2009 by the first respondent, after dividing the entire land into several plots, each with an extent of 60 square yards. The petitioners' occupation was regularized and they became absolute owners of their respective plots with recognized possession. Having influenced by some rich people and real estate dealers, who intended to dispossess the petitioners in order to earn money by converting the said land for communal purpose, the first respondent on 08.04.2011, along with certain officials and coolies attempted to demolish the structures of the petitioners and threw away their belongings. When the said act of the first respondent was questioned, she replied stating that the said land is Government property and she cannot spare encroachment of such property. It is stated that the first respondent threatened the petitioners that their structures would be completely demolished with the help of police after some time. Questioning the action of the respondents, the present Writ Petition came to be filed.

Learned counsel for the petitioners submits that the petitioners are still in the possession of the land basing on the certificates issued to them. According to him, no prior intimation for demolition of the said structures was given by the respondents. Learned Government Pleader disputed the same alleging that the certificates obtained by the petitioners are fake and invented for the purpose of encroachment on to the land. Further, it is stated in the counter that notices were pasted at the construction site preventing further constructions in the land vide Rc.No.77/2011/A, dated 05.02.2011.

By an order dated 26.04.2011, this Court while issuing notice before admission, ordered *status quo* existing as on that day shall be maintained for a period of six weeks. Subsequently, on 15.06.2011, the said interim order was extended for a further period of six weeks. The *status quo* order expired long back and no steps were taken seeking extension of the stay order. Further, the respondents filed counter stating that the petitioners are encroachers on to the said land. With an intention to grab valuable Government land under the pretext of having fake possession certificates, the petitioners constructed permanent structures, which was strongly resisted. It is further stated in the counter that since the whereabouts of the encroachers are not known, notices were pasted at the construction site stating that no further constructions should be made on the said land vide Rc.No.77/2011/A, dated 05.02.2011. In spite of the said notice, the petitioners proceeded with the constructions and they never approached the office till date, inspite of repeated intimations for producing the documents.

Having regard to the circumstances stated above and by treating the present order as a notice to the petitioners, the petitioners shall appear before the authorities concerned, within four weeks from today

and in such an event, the respondents shall follow due process of law by supplying necessary papers, take acknowledgements from the petitioners and pass orders after hearing them, within four weeks thereafter, in accordance with law.

According, the Writ Petition is disposed of. No costs.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

18.08.2015

Note:

Issue CC in a week.

B/o.

vhb