

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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WRIT PETITION No. 13434 OF 2015

ORDER:-

Challenging the action of the respondent Nos.3 and 4 in attempting to dispossess the petitioners from their residential houses bearing Door Nos.8-1-479/1, 8-1-478/1 and 8-1-478 respectively situated in Sy.No.962, Ramanjaneya Nagar, Madakavaripalli, Badvel Town, Gopavaram Mandal, Y.S.R. District, without considering their representations dated 28.02.2015 and 27.04.2015, the present writ petition is filed.

It is the case of the petitioners that they have been in physical possession and enjoyment of the above said residential houses since 1984. The petitioners are also paying the electricity charges and municipal taxes to the concerned departments from time to time. While so, the petitioners were issued individual show cause notices under Section 7 of the A.P. Land Encroachment Act, 1905 (for brevity "the Act"), directing them to vacate the residential houses which are in their possession immediately, otherwise, they would be forcibly evicted. Then, the petitioners submitted the representations dated 28.02.2015 and 27.04.2015, stating that they have been staying in the above said houses since nearly 31 years and requested to regularise the same. Now, the petitioners' grievance is that the respondents 3 and 4, without making any enquiry as to the possession or otherwise of the petitioners with reference to the revenue records and even without considering their objections said to have been submitted on 28.02.2015 and 27.04.2015, taking steps to dispossess them from their occupation. Hence, the present writ petition is filed seeking appropriate directions and to set aside the impugned Notices.

The learned counsel for the petitioners has contended that the action of the respondents 3 and 4 in trying to dispossess the petitioners from the schedule houses is against the statutory provision

contemplated under the provisions of the Act. He has further submitted that without following the due process of law, mere issuance of notices does not empower the respondents to evict the petitioners, and prays to set aside the impugned notices while directing the respondents not to take coercive steps to dispossess them from the premises in question.

Learned Assistant Government Pleader submits that the respondent-authorities have not taken any coercive action, and in case they intend to evict the petitioners, they will follow due process of law.

Having regard to the facts and circumstances of the case and considering the respective submissions of the learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue, I am not inclined to admit the writ petition as the order under Section 6 of the Act, is yet to be passed by the respondents-authorities. However, considering the apprehension of the petitioners that they may be dispossessed from their occupation at any time, I deem it appropriate to direct the respondents 3 and 4 to consider the representations of the petitioners in a proper perspective manner as held by this Court in W.P.No.10855 of 2015 by an order dated 17.04.2015.

In that view of the matter, the respondents 3 and 4 shall consider the representations dated 28.02.2015 and 27.04.2015 of the petitioners and pass appropriate speaking orders in accordance with law within a period of six weeks from today. However, the petitioners are at liberty to place the copy of the order dated 17.04.2015 passed by this Court in W.P.No.10855 of 2015, before the respondents 3 and 4. Till the entire exercise is completed, the petitioners shall not be evicted from their residential houses bearing Door Nos.8-1-479/1, 8-1-478/1 and 8-1-478 respectively situated in Sy.No.962, Ramanjaneya Nagar, Madakavaripalli, Badvel Town, Gopavaram Mandal, Y.S.R. District.

Accordingly, the writ petition is disposed of. No costs.

Miscellaneous petitions, if any pending, shall stand closed.

CHALLA KODANDA RAM, J

Date:30.04.2015
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