

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.12321 OF 2010

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioners to declare the action of the respondents in directing the petitioners to remove their houses and vacate the premises by issuing notices, dated 27.04.2010 and 26.05.2010, as arbitrary and illegal.

The case of the petitioners is that they are in possession and enjoyment of an extent of 15 ankanams of site in Adivaiah Colony, Divipalem village since 35 years. They are eking out their livelihood by running small shops in front portion of said area. They have no other property and they are eligible for grant of house site pattas. But, due to ignorance they had not applied for house site pattas or for regularization of the site in their possession. While so, the 1st respondent Grampanchayat issued notices on 27.04.2010 and also on 26.05.2010 informing the petitioners that the site in which they are residing, is road poramboke and they have illegally occupied the same, therefore, directed them to vacate the said site. Challenging the same, the petitioners filed the present writ petition.

While admitting the writ petition, this Court granted interim direction on 02.06.2010, directing the respondents not to evict the petitioners from the subject premises.

Heard the learned counsel for the petitioners, learned counsel for the respondents and perused the record.

After perusing the records and after hearing the arguments, the writ petition is disposed of as follows:

- i. In case the 1st respondent intends to evict the

petitioners from the subject site, it shall give a notice to the petitioners calling explanation from them, by stipulating time limit.

ii. On receipt of such notice, the petitioners are at liberty to give their reply within the time stipulated in the notice.

iii. The 1st respondent is directed to decide the issue after receipt of the reply from the petitioners.

iv. Till such time, both the parties are directed to maintain status quo.

There shall be no order as to costs. The miscellaneous petitions pending, if any, shall stand closed.

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RAJA ELANGO, J

February 12, 2015.

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