

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.7377 of 2011

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Between:

Inavolu Pramod Kumar

PETITIONER

AND

1. Government of Andhra Pradesh, I & CAD Department, rep. by its Principal Secretary, Secretariat Buildings, Hyderabad, and others.

RESPONDENTS

ORDER:

This writ petition is filed challenging the action of the respondents in trying to demolish the house bearing No.3-14-60/2 in an extent of 150 Sq. Yards in Sy.No.80/D situated at Ganesh Nagar, Near Yadava Colony, Hanamkonda, without following due process of law as arbitrary and illegal.

The case of the petitioner is that he purchased the land to an extent of 150 sq. yds., in Sy.No.80/D situated at Ganesh Nagar near Yadava Nagar, Rvenue Village

of Hanamkonda (M) Warangal District under a registered deed and constructed a house in the said land. The said house was assessed to tax by giving H.No.3-14-60/2. While so, the respondents came to the petitioner's house on 14.03.2011 and again on 18.03.2011 along with JCB for demolition of the entire house on the ground that he has constructed the house on the land belonging to Irrigation Department and proclaimed openly that they will demolish the house. The grievance of the petitioner is that the respondents are trying to demolish his house without issuing any notice or affording any opportunity to him. Therefore, he filed the present writ petition.

When the writ petition came up for admission, this Court while issuing Rule Nisi, granted interim stay of all further proceedings.

Though the writ petition is of the year 2006, no counter affidavit has been filed by the respondents.

As per the averments in the writ petition the petitioner purchased the land in the year 2006 under registered deed. Therefore, even assuming that the land belongs to the Government, the respondents are under obligation to issue notice to the petitioner and conduct an enquiry in accordance with law. It is well settled that even an encroacher can be evicted only by following due process of law.

In the present case, there is no material on record or any proceedings showing that any proceedings either under Land Encroachment Act or under any provision of law have been initiated.

In those circumstances, the writ petition is deserves to be allowed and is accordingly allowed. However, this order does not preclude the respondent-authorities to take necessary steps for recovery and eviction of the petitioner in accordance with law, if as per the records the land in occupation of the petitioner is Government Land.

As a sequel, pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

CHALLA KODANDA RAM, J.

6th November, 2015

Js.