

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.33378 OF 2011

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ORDER:

This petition is filed for a writ of *Mandamus* declaring the action of the respondent corporation authorities in resorting to demolish and eviction of the dwelling units from Sevanagar Colony, near Foot Ball ground railway stadium, Ward No.44, Visakhapatnam, as illegal and arbitrary and for a consequential direction to the Municipal authorities not to resort to any coercive method to remove the dwelling units from Sevanagar slum area after declaring that the GVMC has no authority to demolish the houses there.

This writ petition is filed stating that the petitioners are the residents of Sevanagar slum area which is existing for the last six decades near the railway stadium and the petitioners are the members of 1st petitioner association; that the petitioners have been in possession of small huts and were in 691 numbers. The said land is situated in T.S.No.308 and the said place is also having electricity power connection and the residents of the said place were also issued ration cards and electoral identity cards. The said place is situated in the 44th ward of the Vishakhapatnam Municipal Corporation. While so, as per the orders of this Court, the railway authorities have issued notices to the members of the 1st petitioner organization stating that the land in question was belonged to the railway department. Since the proceedings initiated against the petitioners by the railways have not yet attained finality, the 2nd respondent municipality cannot take steps to evict the petitioners. It is also stated that the Government of Andhra Pradesh is constructing houses for the urban poor under Jawaharlal Nehru National Urban Mission (JNNURM) and as per the said scheme the petitioners are eligible to get benefit under the said scheme. While so, a list of beneficiaries under the scheme was finalized and the petitioners filed WP.No.24720 of 2011 against the respondent Corporation in not preparing final list only with the genuine slum dwellers and this Court disposed of the writ

petition directing the respondent authorities to look into the representation dated 08.09.2011 submitted by the petitioners and undertake review of the beneficiaries list to ensure that ineligible persons are excluded from the list and eligible persons are included. But, without following the directions in the above said writ petition, respondents are trying to evict the petitioners from their houses and trying to demolish the houses of the petitioners, though they are eligible for allotment of houses under the above scheme. Aggrieved by the same, present writ petition is filed.

The 2nd respondent filed counter affidavit stating that in pursuance of the order dated 21.09.2011 passed by this Court in WP.No.24720/2011, the 2nd respondent has taken steps for conduct of resurvey under the supervision of the concerned Zonal Commissioner and his staff duly intimating the fact of resurvey to the existing Association in the slums and to the families in advance and about 300 residents have gave their consent and cooperated with the survey teams. It is also stated that on 29.10.2011, the statement by Sri A.Jojibabu, President, SC Society, Sevanagar Colony was also recorded wherein he expressed his full satisfaction over the conduct of the survey and ascertained that he has no objection over the conduct of the survey.

It is further stated in the counter that 513 beneficiaries have been identified during the survey in Sevanagar slum in the year 2007 and out of 513 beneficiaries, 417 beneficiaries have allotted housing, leaving the balance as migrants as their whereabouts were not found; that During the resurvey about 229 beneficiaries have been identified and at the time of eviction, another 81 displaced beneficiaries who are found to be eligible have also been allotted house flats under JNNURM Housing Scheme. In total 727 families of Sevanagar have been provided housing. All the petitioners in the writ petition have also allotted housing. It is stated that the entire process of shifting of the colony has been done duly observing the due procedure and formalities in the process of eviction and also by providing transport and other facilities in the process of eviction and was conducted in a peaceful manner without any objections raised neither from the residents of the Sevanagar nor from the local

association existed there.

It is further stated in the counter affidavit that in the circumstances, in obedience to the directions of this Court, all the displaced families have been allotted housing and were shifted to their new allotted houses constructed in a most hygienic and healthier locations at Kommadi and Madhurawada housing colonies under GVMC limits and that the Railway land was taken possession by the railway authorities.

Heard.

Learned counsel for the petitioners submits that now the members of the petitioner association were allotted houses and they are moved to their allotted houses, but claims that all the amenities are not provided as per the scheme by which they are allotted houses.

On the other hand, Sri S.Laxminarayana Reddy, learned standing counsel for respondents 2 and 3 submits that survey was conducted as per the directions of this Court in WP.No.24720/2011 and allotments were made. As such, the petitioners cannot complain about the eviction when once they are given alternate accommodation. He also submits that the land in which petitioners constructed houses has been handed-over to the railway authorities, hence, the petitioner cannot have any grievance.

As per the averments in the counter affidavit, the grievance of the petitioners is being attended to by the respondent authorities and the directions in WP.No.24720/2011 have been complied with. As such, the petitioners cannot have any further grievance regarding their eviction as they are already allotted alternate accommodation. In view of the same, the cause in the writ petition does not survive any more.

Accordingly the writ petition is dismissed. If the petitioners have any grievance regarding entitlement of any benefits under the above said scheme, it is open for them to approach the concerned authorities. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

15.06.2015

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