

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.26462 of 2015

ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for the respondents.

2. The petitioners claim that they are the permanent residents of Singur Village and due to construction of Singur Dam, they had to be relocated. It is their case that they were issued ownership certificates by the fourth respondent on 07.09.2011. Some persons illegally occupied the land on either side of 60 feet wide road in possession of respondents 5 to 7 and when they filed W.P.No.17772 of 2015 seeking protection of their possession, this Court disposed of the said Writ Petition on 13.07.2015 directing the respondents therein not to evict the petitioners therein without following due process of law. To initiate action against those persons, now a general declaration was issued on 12.08.2015 by the fourth respondent and the names of the petitioners were also shown therein and the petitioners herein were issued notices, even though the ownership certificates were existing in their favour. It is the further case of the petitioners that they submitted applications to the fourth respondent for regularization of the lands in their occupation, and in spite of the same, the present notices for vacation within 42 hours were issued to them. Challenging the same, the present Writ Petition is filed.

3. The learned counsel for the petitioners submits that the case of the petitioners in W.P.No.17772 of 2015 is different from the case of the petitioners herein and the petitioners are unnecessarily included by respondents 5 to 7, when respondents 5 to 7 wanted to take action against the petitioners in W.P.No.17772 of 2015. He further submits that

the petitioners have valid possession certificates and their applications for regularization are pending.

4. However, these facts cannot be verified by this Court in the present writ proceedings. In view of the notices issued by the fourth respondent, liberty is given to the petitioners to submit their explanation to the said notices within one week from the date of receipt of a copy of this order. On receipt of such explanations, the fourth respondent shall pass appropriate reasoned orders within 30 days thereafter, taking into consideration the applications of the petitioners for regularization, if any, pending with him. Till the orders are passed by the fourth respondent, the fourth respondent shall not take any action for eviction of the petitioners.

5. The Writ Petition is, accordingly, disposed of. No order as to costs. Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 20.08.2015
TJMR