

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

TUESDAY THIS THE TWENTY FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.4031 of 2015

Between:
Konda Anjel

..... PETITIONER

And
The State of Andhra Pradesh,
Rep.by its Principal Secretary,
Revenue Department,
Secretariat, Hyderabad and 4 others

.....RESPONDENTS

The Court made the following:

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.4031 of 2015

-
ORDER:

The case of the petitioner is that he has been in occupation of Ac.0.04 cents land in R.S.No.85/2 of Bhimadole Village and Mandal, West Godavari District since last 20 years. There are similar other persons viz., (1) Mendem Subbarao, (2) Pamu Joseph Karunakar, (3) Gudavalli Sita Rama Raju, (4) Smt.Vempa Dayamani, (5) Kali Vara Prasad, (6) Smt.Yalla Maria Annamma, (7) Yennabattula Vijay Kumar,

(8) Gundabattula Raja Ravi Kiran, (9) Kali Ratna Sekhar, (10) Penugonda V.V.Hanumantha Rao, (11) Chennaparapu Maniyya etc., who were in occupation of some extent of land in the same survey number. The petitioner alone being singled out by the respondent officials for eviction from the subject land without touching the similarly situated persons.

It is obvious from the facts pleaded in the affidavit, petitioner is occupying the road margin and the 5th respondent Executive Engineer, R&B is in the process of executing expansion of high way. As the expansion of high way is the public purpose, no fault can be found with the action of respondents in taking steps to evict encroachers. However, considering the allegation of the petitioner that he alone being singled out, the respondent authorities shall enquire into the same and without discrimination, may take necessary steps against all the road encroachers by issuing notices and following due process.

The Writ Petition is accordingly disposed of, directing the respondents to follow due process of law for evicting the petitioner from the subject land. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.

CHALLA KODANDA RAM,J

Date: 24.02.2015

Dsr