

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.2975 OF 2012

-

ORDER:

This petition is filed for a writ of *Mandamus* declaring the action of the respondents in dispossessing the petitioners from their shops situated at Boath Village and Mandal, Adilabad District, as illegal and arbitrary and for a consequential direction to the respondents not to dispossess the petitioners from the respect shops.

The case of the petitioners is that they are in possession of shop bearing Nos.4,3,8,9,10,13,14,16,17,18,20,22,23 respectively, situated at Boath Village and Mandal, Adilabad District for the last 20 years. All the shops are of Tin Sheets and the petitioners are paying taxes to the Grampanchayat regularly. While so, the respondents without issuing any notice and following any procedure as contemplated under law evicting the petitioners from their respective shops. Aggrieved by the same present writ petition is filed.

The 4th respondent filed counter affidavit stating that the petitioners have installed wooden bunks on the road margin in between the road and the Friends Club; that the road width is of 30' and there is a Gram Panchayat open drainage beside the road; that the petitioners have erected the wooden bunks on the road margin and obstructing the free flow of drain water since the bunks were installed on the open drainage; and that the Gram Panchayat received complaints from the villagers about obstructing free flow of traffic and obstructing the free flow of drain water and due to which the drain water is flowing on the road. It is also stated that

the petitioners suppressing the above said facts filed the writ petition stating that as if they are the owners of the shops and that these all are temporary structures erected by the petitioners on the road margin and sought for dismissal of the writ petition.

This Court allowed the implead petitions on 01.10.2012, wherein the proposed respondents (respondents 5 and 6) stated that the subject land is owned by them.

Heard both sides.

Learned counsel for the petitioners submits that the land belongs to one K. Ramesh Reddy who is impleaded as 6th respondent and that the land does not belong to Gram Panchayat.

Learned Standing Counsel for Gram Panchayat reiterated the submissions made in the counter affidavit.

It is to be seen that the writ petition is filed stating that some of the villagers and politicians who have developed grudge against the petitioners came to the petitioners' premises on 04.01.2012 with Bulldozers and tried to evict the petitioners. On the other hand they say that there is no allegation against the Gram Panchayat except saying that the respondent authorities have to follow procedure as contemplated under law. The petitioners have not shown any piece of paper to show that they are the owners and possessors of the subject land and no reply affidavit is filed by the petitioners when the Gram Panchayat filed counter saying that the petitioners have occupied the road margin. Roads meant for free flow of traffic and open drains are meant for free flow of drainage water. Since the petitioners have not shown any piece of paper to show their right title, they cannot occupy the roads and say that

due procedure has to be followed. In view of the same, I do not see any merits in the writ petition.

Accordingly, the writ petition is dismissed. 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

01.09.2015
tk