

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.4986 OF 2015

ORDER :

This writ petition is filed seeking writ of mandamus declaring the action of the 3rd and 4th respondents in attempting to dispossess the petitioners from their respective sites situated in an extent of 2 ½ cents in Sy.No.191 Devasanapuram Village, KBR Puram Grampanchayat, Puttur Mandal, Chittoor District without notice and without following due process of law as illegal and arbitrary and consequently to direct the respondents not to disturb the peaceful possession and enjoyment of the house properties of the petitioners.

It is the case of the petitioners that they are in possession of land to an extent of 2 ½ cents each in Sy.No.191 of Devasanapuram Village, KBR Puram Grampanchayat, Puttur Mandal, Chittoor District and they are residing therein and that they are making representations to the 5th respondent for grant of house site pattas in their favour for the subject site. The 3rd respondent Grampanchayat had also passed resolution dated 26.11.2009 expressing no-objection for grant of house site pattas. The petitioners have also made representation to the 4th respondent on 27.08.2012 for grant of house site pattas. But no action has been taken. On 24.02.2015, the 3rd and 4th respondents came to the subject site and directed the petitioners to vacate the site as it vests with the 3rd respondent Grampanchayat. Aggrieved by the same, the present writ petition is filed.

Counter affidavit is filed by the 3rd respondent Grampanchayat stating that they do not have any knowledge about the relationship of the petitioners and that they are not in possession of the subject premises. It is also stated that the 2nd petitioner is not the resident of Devasanapuram and the 1st petitioner is having house in the same village. The land in Sy.No.191/1 belongs to Government and the same is classified as Grazing land and in Sy.No.191/2, some of the villagers are in occupation of land to an extent of Ac.1.00 with the

permission of Revenue Authorities and they have constructed houses in the said land, which is also called as Yanadhi Colony (ST colony). It is also stated that the petitioners are encroachers of the land and that they would follow due process of law for the eviction of the petitioners.

Heard Sri I Koti Reddy, learned counsel for the petitioners as well as Sri G.Seshadri, learned Standing Counsel for respondents 3 and 4.

A perusal of counter affidavit of the 3rd respondent shows that petitioners are in occupation of government land and that the 3rd respondent will follow due process of law for the eviction of the petitioners.

In view of the submission of the 3rd respondent in the counter affidavit, the 3rd respondent is directed to follow due process of law before evicting the petitioners.

With the above direction, this Writ Petition is disposed of. There shall be 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

27.04.2015

kvs.

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Date: 27.04.2015

kvs

