

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.42279 of 2016

ORDER:

Heard Mr. P. Nagendra Reddy for petitioners and Assistant Government Pleaders for Revenue and Irrigation.

2. Petitioners pray for Mandamus declaring the action of respondents in intending to demolish the houses of petitioners situated adjacent to Gundlakamma Canal, Gareeb Nagar, Atmakur, Kurnool District without recourse to law as illegal, arbitrary and unconstitutional.

3. Learned counsel for petitioners relies upon the order passed by this Court in WP.Nos.38805 and 38806 of 2016 dated 14.11.2016.

4. *Prima facie*, this Court is of the view that the respondents, if intend to disturb either the possession or structures of petitioners at respective door numbers, are required to put the occupants on notice and proceed to dispossess or demolish as authorized by law. If the officers take law into their hands, deviate from the requirement of law, their actions are open to challenge and they are also liable to answer the loss suffered by petitioners. As the petitioners refer to 'intending to demolish the houses', the prayer as made cannot be considered and granted by this Court. However, to allay the fears of petitioners the observations already made can be brought to the notice of respondents as and when adventuristic act is undertaken for dispossession or demolition of subject properties.

The writ petition is disposed of. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

December 6, 2016
DSK

S. V. BHATT, J

