

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.41788 OF 2016

Dated:30.11.2016

Between:

Ulligadla Nageswara Rao,
S/o.Peda Galiah, aged 51 years,
Occ: Secretary of CPI (ML) Party
and others

.. Petitioners

And

The State of Andhra Pradesh, rep., by its
Principal Secretary to Government,
Municipal Administration and Urban
Development Department, Andhra Pradesh
Secretariat, Velagpudi, Amaravati,
Guntur District and others

.. Respondents



The Court made the following:

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ORDER:

Heard. With the consent of learned counsel for the parties, the Writ Petition is disposed of at the stage of admission.

2. The petitioners claim that Communist Party of India (ML), Piduguralla Town, Guntur District, constructed a small Party Office in the subject premises and the same is being utilised for organising the office meetings. The said building is possession and enjoyment of the Party for a long time. While so, the respondents are now threatening to dispossess the petitioners from the said premises without following due process.

3. Learned Government Pleader for Revenue would submit that the Government owned Ac.0.32 cents of land in Survey No.847 and from out of the said land, Ac.0.02 cents are occupied by the petitioners by constructing a small office. He would further submit that on the guise of occupying the constructed premises, the petitioners want to grab Acs.0.32 cents of land, which is not permissible.

4. Learned Standing Counsel for Municipality would submit that as of now no steps are taken to evict the petitioners from Ac.0.02 cents occupied by them, and there is a proposal to construct a hospital and also to provide cultural amenities in the said premises, which the petitioners cannot object.

5. Learned counsel for the petitioners would fairly submit that the petitioners are only concerned with the office premises

occupied by them and are not in occupation or enjoyment of rest of the land.

6. It is not in dispute that Ac.0.02 cents of land was also never allotted to the Party represented by the petitioners or to the petitioners individually and at any rate, they cannot occupy or enjoy the rest of the land to an extent of Ac.0.30 cents.

7. The Writ Petition is accordingly disposed of and the respondents are at liberty to utilise the land to an extent of Ac.0.30 cents out of Ac.0.32 cents in Survey No.847. The respondents are directed to cause prior notice and due opportunity to the petitioners or the Party represented by them before seeking to evict them from out of the subject premises constructed within Ac.0.02 cents of land in their occupation. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

Date:30.11.2016

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P. NAVEEN RAO, J