

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.14094 OF 2014

ORDER :

It is the allegation of the petitioners that, under the guise of a survey, the 1st respondent is attempting to interfere with the possession and enjoyment their properties, with the help of Revenue and Police Officials.

2. Counsel for the petitioners relied upon the proceeding RC.No.A/149/2014, dt.04.02.2014 of the 3rd respondent proposing to conduct a survey as per the directions issued by this Court on 02.01.2014 in W.P.No.39166 of 2013, copy of which is marked to the Station House Officer, Kadiri Town, in support of the said plea.

3. The Government Pleader for Revenue appearing for 3rd respondent, however, states that the survey work was not completed because certain residential houses are existing and the Revenue Officials have not tried to remove the encroachments from the said land as alleged by the petitioners.

4. Counsel for 6th respondent asserts that a suit O.S.No.26 of 2013 has been filed by the 6th respondent before the A.P. Wakf Tribunal; and an order has been obtained by the 6th respondent against the 1st petitioner herein not to interfere with the possession and enjoyment of his land and that the said suit is still pending.

5. It is not the case of the 6th respondent that the other petitioners are parties to the said suit. It is also not disputed that a remedy is available under the provisions of the Wakf Act, 1995 to evict the encroachers.

6. In this view of the matter, the Writ Petition is disposed of directing the respondents not to evict the petitioners 2 to 57 and not to interfere

with their possession and enjoyment over the subject properties, without following due process of law. There shall be no order as to costs.

7. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S.RAMACHANDRA RAO, J

08th March, 2016.

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