

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.8669 of 2008

ORDER:

This writ petition, filed under Article 226 of the Constitution of India, calls in question the alleged illegal action on the part of the respondents in evicting the petitioners from their respective residential houses situated in Sy.No.29/1 of Rajavommangi Village and Mandal, East Godavari District, without issuing any notice and without following the due process of law.

2. Heard the learned counsel for the petitioners and Sri Ravi Cheemalapati, learned counsel for the first respondent Gram Panchayat and the learned Government Pleader for the second respondent.

3. According to the petitioners, they are the landless poor and agricultural labour eking out their livelihood by attending agricultural works in and around Rajavommangi Village and Mandal, East Godavari District and they are in possession and enjoyment of small extents of land ranging from 100 to 200 square yards in Sy.No.29/1 of Rajavommangi Village and Mandal, East Godavari District for the past 30 years. It is also stated in the writ affidavit that some of the petitioners have constructed titled houses and rest of the petitioners have constructed thatched houses and the Gram Panchayat has been collecting house tax in respect of the houses constructed by the petitioners. It is also stated that the petitioners herein have no other residential houses except the houses where they are staying now and the petitioners have electricity service connections also and are paying the house tax and electricity consumption charges regularly. It is also alleged in the writ affidavit that the respondents herein without issuing any notice and without passing any orders are taking steps to evict the petitioners from their

respective houses forcibly. It is also alleged that the respondents came to the premises of the petitioners on 10.04.2008 and 16.04.2008 and are trying to evict the petitioners. It is also stated that the petitioners herein belong to Schedule Caste and Schedule Tribe and Backward Class. With the above background, the present writ petition came to be filed.

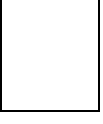
4. This Court, on 19.04.2005, granted interim order directing that the petitioners shall not be dispossessed from the property in question. No counter affidavit is filed by the respondents though this Court ordered *Rule Nisi* as long back as on 19.04.2005. In the absence of any counter affidavit filed by the respondents herein, the averments in the writ affidavit are required to be construed as true.

5. Having regard to the submissions made by the learned counsel for the petitioners and the respondents and having regard to the nature of controversy in the present writ petition, this Court deems it appropriate to dispose of the writ petition by directing the respondents not to evict the petitioners from the subject properties, except in accordance with law.

6. For the aforesaid reasons, the writ petition is disposed of, directing the respondents herein not to interfere with the possession of the petitioners in respect of the residential houses situated in Sy.No.29/1 of Rajavommangi Village and Mandal, East Godavari District, without following the due process of law. As a sequel, pending miscellaneous petitions, if any, shall stand disposed of. No costs.

A.V.SESHA SAI, J

Date:15.12.2016
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THE HON'BLE SRI JUSTICE A.V.SESHA SAI



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Dated 15th December, 2016

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