

HON' BLE SRI JUSTICE SURESH KUMAR KAIT

Writ Petition No.30188 of 2016

ORDER:

Vide present writ petition, the petitioners seek a direction, thereby directing the respondents not to resort to evict the petitioners from the land owned by them in Sy.No.109 of Nellorepalem Village, Atmakur Mandal, SPSR Nellore District, without following due process of law.

2. The present writ petition is filed, the petitioners being aggrieved by the notice dated 16.05.2016, whereby the petitioners were directed to vacate the land mentioned above, failing which, the petitioners shall be liable to penalty and summarily eviction from the afore mentioned Highway land under sub-section (6) of Section 26 of the Control of National Highway (Land and Traffic) Act, 2002.

3. Learned counsel for the petitioners submits that after receiving aforesaid notice, the petitioners made representation dated 19.05.2016 to the respondents, whereby they stated that the aforesaid land was purchased by them from Cherukuru Venkateswarlu and Cherukuru Srinivasulu, Sons of Cherukuru Pulla and established lorry weighbridge in the year 1999 after obtaining all the required permissions and enjoying the said property continuously. However, till date, no communication received from the respondents.

4. Learned counsel for the petitioners has fairly stated that the notice in question was not issued in favour of the petitioners, even though the land mentioned in the notice belong to the petitioners and have been residing therein since the date of their purchase in the year 1999.

5. Notice issued to the respondents. Learned Government Pleader for Roads & Buildings accepted the notice on behalf of the respondents 3 to 5 and Sri S.S.Varma, learned standing counsel for National Highways accepted the notice on behalf of respondents 1 and 2 and they assured this court that further action as per law will be taken after considering the representation dated 19.05.2016 filed by the petitioners.

6. In view of the averments made in the writ petition and the assurance given by the learned counsel for the respondents, I hereby direct the respondents to consider the representation dated 19.05.2016 of the petitioners, within a period of four weeks from the date of receipt of a copy of this order and the decision taken thereon shall be communicated to the petitioners within one week thereafter. Till then, possession of the petitioners shall not be disturbed.

7. In view of the above direction, the writ petition is disposed of. No order as to costs. Pending miscellaneous petitions, if any, in this petition, shall stand closed.

Date: 07.09.2016
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SURESH KUMAR KAIT, J

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Date: 07.09.2016

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