

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION NO.11320 OF 2011

ORDER:

This Writ Petition is filed challenging the action of the respondents in directing the petitioners to evict from the houses bearing Door Nos.4-3-216/22/E-1, 4-3-216/22/E-2, 4-3-216/22/E-D and 4-3-216/22/E.

2. This Court, vide order, dated 20-04-2011, directed the 2nd respondent not to interfere with the possession of the petitioners in respect of the premises in question without following the due process of law.

3. Seeking vacation of the said order, the 3rd respondent filed counter-affidavit stating that the said houses are located in Bhainsa graveyard, popularly known as 'Molavi Saheb Ka Daira'. The said graveyard is notified in the Andhra Pradesh Gazette, dated 04-01-1990. The 3rd respondent further stated that the petitioners encroached the said premises recently in the year 2010 and they are in wrongful possession of the same.

4. The 2nd respondent filed separate counter-affidavit stating that they are not taking any action to evict the petitioners without taking legal steps. If there is a complaint from the persons concerned with regard to illegal occupation, they will take action to remove the occupation.

5. In view of the above statement that the 2nd respondent will not take action without following the due process of law, the interim order passed by this Court, dated 20-04-2011 is made as final order.

6. Accordingly, the Writ Petition is disposed of. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

A.RAMALINGESWARA RAO, J

DATED: 27-12-2016

Hsd