

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.3211 of 2016

ORDER:

Heard.

The present writ petition is moved yesterday by way of lunch motion, as the learned counsel for the petitioners stated that the respondents are trying to demolish the house property of the petitioners bearing Door.No.2-71 (C-130 new), Urattam, Medaram (Sammakka Jatara) , Tadvai Mandal, Warangal District, without notice and without following the due procedure. The petitioners have filed photographs showing the house property and JCBs allegedly deployed by the respondents at the site. In view of the same, this Court while granting stay of demolition of the petitioners house property and adjourning the matter to today, the learned Government Pleader for Revenue and the learned Government Pleader for Social Welfare was required to get instructions.

Today, the learned Government Pleader for Revenue and the learned Government Pleader for Social Welfare submitted on instructions that there has been no demolition as alleged by the petitioners. According to them, the petitioners have allegedly encroached the Government land in Sy.No.1 and that appropriate notice is already given to the petitioners under Section 7 of the A.P.Land Encroachment Act.

The petitioners' counsel, however, denies of receipt of any such notice and states that all the allegations made by the respondents are incorrect and that the petitioners are in possession of their house for the last forty years.

However, the learned Government Pleader for Revenue states that in front of the petitioners' house, lot of junk material is lying, which is obstructing passage.

However, the learned counsel for the petitioners stated that none of the junk material belongs to the petitioners and the respondents can as well take away the same and clear the passage.

Taking note of the aforesaid submissions on behalf of both sides, if any action is intended to be initiated against the petitioners, the respondents are directed to give an opportunity to the petitioners to file explanation and only thereafter take appropriate decision in accordance with law. There shall be no demolition of the petitioners' house property without complying with the directions as above. The respondents are also free to take away the junk material lying in front of the petitioners' house so as to clear the passage.

Accordingly, the writ petition is disposed of. No order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 04-02-2016

Prv

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