

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.1552 of 2012

ORDER :

In exercise of powers under Board Standing Order 15, house-sites have been assigned to petitioners under separate orders, viz., D/225/2011 dt.21.07.2011 by 3rd respondent, since petitioners were considered to be houseless poor persons and they had applied for grant of house-sites.

2. The petitioners contend that they were inducted into possession of plots, that they had raised thatched-roof houses and started living therein; that in October, 2011 due to heavy rains their thatched huts were washed away and then they began to construct *pucca* houses with cement brick walls and asbestos sheet roof; that constructions made by some of the petitioners came up to the basement level; and that on 09.01.2012, the 3rd respondent visited the houses of petitioners and asked petitioners to remove their houses and threatened to demolish the same on the ground that petitioners had worked for the political party opposed to the local M.L.A. in the Legislative Assembly and Parliamentary elections held prior thereto. Petitioners contend that at the instance of the local M.L.A., the respondents wish to evict the petitioners without following due process of law prescribed

under Board Standing Orders 15 and 21 and that respondents cannot insist that petitioners vacate their respective house-sites granted under the said proceedings D/225/2011 dt.21.07.2011 issued by 3rd respondent.

3. Counter-affidavit is filed by 3rd respondent admitting that petitioners were granted house-site pattas under different proceedings dt.21.07.2011, but taking a plea that some of the petitioners were not resident in the village, that house-sites were vacant, and they are not eligible for grant of house-sites. According to him, some local enquiry was done and the 3rd respondent had not initiated any action for cancelling the assignments granted to petitioners and for demolition of the structures erected by them, although a final report had been submitted to the Revenue Divisional Officer, Ongole and the matter is pending consideration before him. It is also contended that the procedure prescribed in Board Standing Orders 15 and 21 was not followed before granting the assignment to petitioners under the above proceedings.

4. From the averments of the respective parties, it is clear that petitioners have been assigned various house-sites under proceedings D/225/2011 dt.21.07.2011, and were also inducted into possession of the subject lands.

5. Merely on the basis of an enquiry conducted

behind their back, straight away the respondent cannot attempt to evict petitioners from the house plots allotted to them on the pretext that petitioners were ineligible to get assignment; or on the ground that the plots in question are kept vacant, or on any other ground, without issuing any show-cause notice to petitioners, inviting their explanation to the proposed action, and then passing reasoned orders and communicating them to petitioners.

6. Therefore, the Writ Petition is allowed and the respondents are directed not to interfere with the possession of the plots assigned to petitioners as long as the assignments granted to them by respondents are in force and to follow the due process of law as set out above, if they intend to evict petitioners from the plots assigned to them.

7. Accordingly, the Writ Petition is allowed to the above extent. No order as to costs.

8. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 02-06-2016

Ndr/*