

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH

TUESDAY, THE THIRTIETH DAY OF AUGUST,
TWO THOUSAND AND SIXTEEN

Present
HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.4918 of 2007

Between:

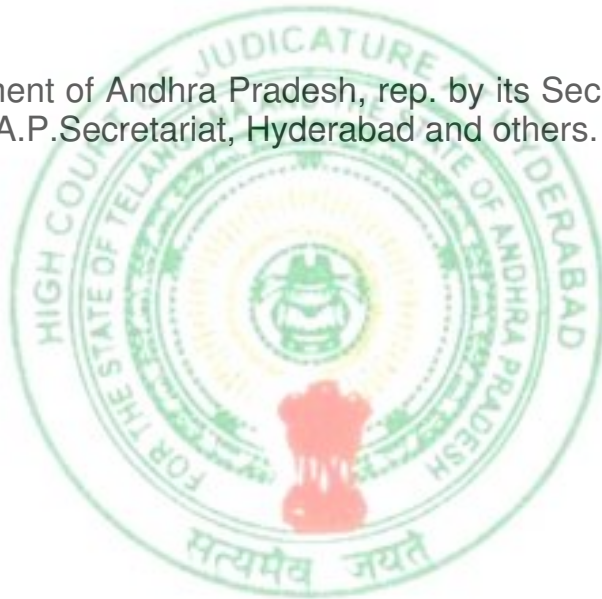
Abdul Razack, s/o. Rajab Saheb, Aged; 60 years occ:Tea Stall
Owner, R/o.9th Ward, Muthu Miya Street, Banaganapalle, Kurnool
District and others.

.. Petitioners

AND

The Government of Andhra Pradesh, rep. by its Secretary, Revenue
Department, A.P.Secretariat, Hyderabad and others.

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.4918 of 2007****ORDER**

Petitioners challenge the notices issued by the second respondent directing them to evict the shops belonging to them alleging that the said shops were located in the land allotted to the police department.

2. By order, dated 09.03.2007, this Court directed the second respondent not to evict the petitioners from their respective premises. However, liberty was granted to the revenue authorities to take appropriate action against the petitioners in accordance with law. It appears from a reading of the order passed by this Court on 09.03.2007, that against the action of the respondent authorities to remove the encroachments, petitioners represented to the Government and the Government vide Memo No.45365/Assgn.IV.I/90-1 Revenue (ASSGN.IV) Department, dated 19.05.1990 stayed the orders of the revenue authorities. The counter filed on behalf of second respondent is silent as to whether any further orders are passed by the Government and whether any further action is taken by the revenue authorities as a consequence to the liberty granted by this Court.

3. According to the respondents, the land belongs to the Government and petitioners are encroachers. Even assuming that the land belongs to the Government, officials of the revenue department have not taken steps by following due process of law.

Even the police department also has not followed due process of law, but gave a summary notices under challenge, which are not sustainable and therefore, the same are accordingly set aside. However, if so far no action is taken, in accordance with law, to remove the alleged encroachments, the revenue authorities shall take appropriate action to remove the encroachments, if any, by following due process of law by fixing a time frame.

4. The Writ Petition is accordingly disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

30th August, 2016
sj



P.NAVEEN RAO, J