

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.18379 of 2016

ORDER:

With consent of the parties, the writ petition is disposed of at the stage of admission itself.

As seen from the contents of affidavit of the petitioners, they are all small farmers cultivating small extents of land belonging to the 5th respondent-temple in survey No.374 of Thimidipadu Village, Karamchedu Mandal of Prakasam District. Pursuant to the notice issued to the petitioners on 18.04.2016 seeking to furnish details of Aadhar Card, ration card and income certificate, etc. to justify that the petitioners continue to be a landless poor persons/small farmers, petitioners submitted a detailed explanation along with the supporting documents. However, it is the grievance of the petitioners that without considering their explanation and passing any orders thereon, respondent authorities are pressurizing the petitioners to vacate the lands.

On the other hand, learned Standing counsel Sri A.Sreekanth Reddy appearing for the 5th respondent and learned Government Pleader submit that the writ petition itself is filed only on mere apprehension as is evident from the record that only notice was issued and the respondent authorities are yet to determine the issue and pass appropriate orders.

In reply, learned counsel for the petitioners submitted that in view of G.O.Ms.No.425 dated 09.11.2015 it is mandatory for the respondent authorities to determine the status 'landless poor/small farmers' before passing orders for eviction.

Having considered the rival submissions, it appears that in terms of G.O.Ms.No.425 notice calling for information has been issued and the same cannot be find fault with. Hence, interest of justice would be

served if the respondents are restrained from dispossessing the petitioners without passing final orders pursuant to the notice issued and explanation called for.

Accordingly, the writ petition is disposed of with a direction to the respondents not to disposes the petitioners without passing final orders pursuant to the notice dated 18.04.2016. There shall be no order as to costs.

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

CHALLA KODANDA RAM, J.

14th June, 2016
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