

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.24448 OF 2006

ORDER:

Heard.

2. The case of the petitioners is that in the year 1971 on the representation of their caste elders, the revenue authorities allotted land in Survey Nos.180 and 181 of Bandar Town for the use of the land as Pot and Brick making units. A proceeding to that effect was issued vide proceedings in R.Dis.No.3226/71 dated 31.08.1971. After allotting the land in favour of the petitioners, they have developed Pot and Brick making units and eaking out their livelihood. While so, the respondents came to the unit stating that there was a proposal to start an Indoor Stadium in the said land of the petitioners and pressuring them to vacate the premises. Questioning the same, some of the petitioners have earlier approached this Court by filing W.P.No.40144 of 2015 and batch and on clarifying that the respondents have no intention to take the said land, the said writ petitions were closed. On respondent Nos.2 and 3 exchanging letters to take possession of their lands without due process of law, they have approached this Court by filing W.P.No.14151 of 2016 and this Court granted interim direction in WPMP No.17642 of 2016 directing the respondents not to interfere with the possession of the petitioners therein by order dated 26.04.2016 and the same is pending. Aggrieved by the action of the respondents in trying to dispossess the petitioners from the subject land the present writ petition is filed.

3. On 25.07.2016, this matter was adjourned to enable the learned Government Pleader to get instructions. Today, learned

Government Pleader has placed before this court instructions received from the Tahsildar dated 26.07.2016, wherein it was stated that the Municipal Commissioner, Machilipatnam, was requested to send the consent of the Machilipatnam Municipality for the vacant land situated in R.S.Nos.180 & 181 of Machilipatnam Town duly excluding the extent covered by the encroachment/occupation in the said land for processing alienation proposals to the Collector, Krishna, as per the requisition made by the District Sports Development Officer, Krishna, and that only after following the due process of law, alienation proposals will be submitted to the Collector, Krishna.

4. Recording the said submission made by the learned Government Pleader, the Writ Petition is disposed of with a direction to the respondents not to dispossess the petitioners from the Pot making unit situated in R.S.No.180 and 181 of Kummarigudem, Machilipatnam, Krishna District, without following due process of law.

As a sequel, the miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE CHALLA KODANDA RAM

July 26, 2016
LMV