

HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.34511 OF 2013

ORDER:

Heard Mr.Sudhakar Reddy Ponnnavolu for petitioners, Assistant Government Pleader for Panchayat Raj for respondents 1 to 4 and Mr.Seshadri for 6<sup>th</sup> respondent.

The petitioners pray for the following relief:

....this Hon'ble Court may be pleased to issue a Writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the respondents 4 to 6 in interfering with the peaceful possession and enjoyment of the petitioners property without any notice or any proceedings and trying to dispossess the petitioners from the property is illegal, high handed, arbitrary and violative of principles of natural justice apart from violative of Articles 14, 21 & 300A of the Constitution of India and consequently direct the Respondents not to interfere with our peaceful possession of the property and pass....."

The petitioners in assertion of their actual possession and enjoyment of small parcels of land placed before the Court photographs evidencing their houses, ration card, receipts showing payment of house tax to gram panchayat, and electricity consumption charges to Discom.

The 6<sup>th</sup> respondent filed counter-affidavit along with a petition to vacate the order dated 29.11.2013. By way of reply, the 6<sup>th</sup> respondent has given various details on the possession and enjoyment of petitioners. I am not proposing to refer to the stand taken in the counter-affidavit because the possession of petitioners as on date is accepted by respondents as well by issuing a notice

in 2013. That being the case, the dispossession of petitioners shall be in accordance with law.

I am satisfied, to meet the ends of justice, the writ petition can be disposed of by this order:

- (a) the respondents are directed to serve show cause notice to petitioners on eviction or unauthorized occupation of respective portions of house plots in their possession within four weeks from the date of receipt of a copy of this order;
- (b) the petitioners are given four more weeks time from the date of receipt of notice to submit objection as well as explanation for grant of appropriate relief to them;
- (c) the authority issuing notice enquires into the show cause notice and the reply given by petitioners and takes a decision and communicates to the petitioners;
- (d) The said exercise shall be completed within three months from today. Till a decision is taken and communicated, the possession of petitioners shall not be disturbed.

The writ petition is, accordingly, disposed of. There shall be no order as to costs.

Consequently, pending miscellaneous petitions, if any, also stand disposed of.

S.V.BHATT, J

22<sup>nd</sup> November, 2016

LrkM