

HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 9402 OF 2017

ORDER:

This writ petition is filed, under Article 226 of the Constitution of India, challenging the action of the respondents 2 to 4, in trying to evict the petitioners from their houses situated in Sy.Nos. 1, 2 and 4 of Chikatayapalem, Thorrur Mandal, Mahaboobnagar District, in pursuance of notice dated 18.2.2017 issued by Tahsildar vide proceedings Rc.No. B/131/2017

2. Heard learned counsel appearing for petitioners, and learned Government Pleader appearing for respondents.

3. According to the petitioners, the State Government in the year 1999 issued house site pattas in their favour in S.Nos. 1, 2 and 4 of Chikatayapalem Village of Torrur Mandal to an extent of 121 square yards each. It is further stated that the petitioners herein constructed small houses in the said tiny plots by spending hard earned money from their savings out of labour and some of the petitioners got financial aid from the Government under A.P. Housing Corporation also. While so, the Tahsildar/4th respondent herein, issued notice vide proceedings Rc.No. B/131/2017 dated 18.2.2017, under Section 7 of the Land Encroachment Act, 1905, to the petitioners to show cause as to why they should not be

evicted from the subject lands. Learned counsel appearing for petitioners submitted that the petitioners submitted their explanation to the notice dated 18.2.2017, in the month of March 2017, but the concerned authorities without considering the said explanation are trying to dispossess the petitioners from the houses.

4. Having heard the learned counsel appearing for petitioners and the learned Government Pleader for respondents, this Court is of the considered opinion that ends of justice would be served, if a direction is given to the 4th respondent/Tahsildar, to take into consideration the explanation offered by the petitioners in the month of March 2017, in response to the impugned notice dated 18.2.2017, and pass appropriate orders in accordance with law while protecting the interests of the petitioners pending consideration of the matter.

5. Accordingly, this Writ Petition is disposed of directing the respondents herein, to take into consideration the explanation offered in the month of March 2017 by the petitioner, in response to the show cause notice dated 18.2.2017 vide proceedings in RC No. B/131/2017, issued by the 4th respondent/Tahsildar, Thorrur Mandal, Mahaboobabad District, and pass final orders in accordance with law after giving notices and opportunity to petitioners herein. Till the said exercise attains finality,

there shall be *status quo* with regard to the possession of the petitioners in respect of the subject houses. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions pending consideration, if any, in this case shall stand closed. No order as to costs.

DATE: 20.03.2017
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