

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.13422 of 2009

ORDER:

This Writ Petition is filed by the petitioners under Article 226 of the Constitution of India seeking to declare the action of the respondents in threatening to dispossess the petitioners from their premises bearing No.5-5-883, consisting of four rooms of Darsi Village and Mandal, Prakasham District, A.P., as unjust, arbitrary illegal and violative of principles of natural justice and also violative of Article 300-A of the Constitution of India and direct the respondents not to interfere with the possession and enjoyment of the petitioners' premises bearing No.5-5-883 consisting of four rooms of Darsi Village and Mandal, Prakasham District, A.P., after calling for the records.

2. Heard both sides and perused the material available on record.

3. The case of the petitioners is that the petitioners purchased 36 square yards of land from one Anamalmuri Hussain and 7 others on 15.05.1998, bearing premises No.5-5-883, consisting of four rooms, situated in Darsi Village and Mandal, Prakasham District, A.P. While so, respondents 2 & 3 came to the petitioners' premises and threatened to dispossess them.

4. The 3rd respondent filed counter affidavit, wherein in para 6, it is stated as follows:

“I submit that the Gram Panchayat has also brought to the notice of the R&B Department with regard to the construction of the Bus Stop in Darsi Village and also

requested, atleast a Bus-Bay is badly needed in the present situation. But, the R&B authorities have expressed their inability in constructing the Bus Stop in the place, where the petitioners are in the illegal occupation. However, this Respondent has requested the R&B Department for following the due procedure for removing the encroachments. However, the contention of the Petitioners that no notice is issued for removal of the encroachments, is baseless and false. The Gram Panchayat warned several times the petitioners for removal of the encroachments, which obstructing the free flow of traffic, where the buses are being stopped for the passengers. The petitioners are also aware that they are the encroachers. Now, the Petitioners cannot claim the said land or rooms, only because they are the tax payers to the Gram Panchayat. The Gram Panchayat will take all steps by following the due procedure for removing the encroachments. The petitioners have no right to occupy the land belongs to the Government.”

5. In the view of the same, the Writ Petition can be disposed of with the following direction:

If the respondent authorities intend to take any action against the petitioners, they shall follow the due process of law.

6. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous Petitions, if any pending in this writ petition shall also stand closed.

RAJA ELANGO,J

Date: 31st August, 2017

KL

211**THE HONOURABLE SRI JUSTICE RAJA ELANGO****WRIT PETITION No.13422 of 2009**Date: 31st August, 2017

KL