

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.12554 of 2008

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking to declare the action of the 2nd respondent in seeking to evict the petitioner from the property admeasuring 40 x 40 sft., bearing Plot No.296, and D.No.6-55/ 92, situated at New Rajampet Colony, Asifabad, Adilabad District, without serving a copy of the order passed by the 1st respondent in case No.TWA1/ 604/ 05, as illegal and arbitrary.

Heard and perused the material available on record.

The case of the petitioner is that the petitioner and her predecessors are staying in the property in question for the last more than 40 years. Petitioner constructed a house and the same was assigned door number and the petitioner has been paying taxes to Gram panchayath. While so, the 3rd respondent initiated proceedings before the 1st respondent and no order is passed to the knowledge of the petitioner. The 2nd respondent is trying to evict the petitioner from the property in question on the ground that the 1st respondent has passed eviction order against the petitioner. But, no order, as such, is served on the petitioner. When the petitioner asked for the copy of the passed by the 1st respondent, the 2nd respondent informed that only after evicting the property, the copy of the order passed by the 1st respondent would be furnished to the petitioner.

The main contention of the petitioner is that without serving the copy of the order passed by the 1st respondent, the 2nd respondent is trying to evict the petitioner from the subject property, and if a copy of

the order passed by the 1st respondent is served on the petitioner, she would approach the appellate authority and petitioner and file an appeal in accordance with law. Without supplying the copy of the order, the authorities want to take advantage of the order of the 1st respondent and tried to eject the petitioner from the subject property. .Therefore, the present writ petition is filed by the petitioner.

Considering the said facts and circumstances, the writ petition is disposed of with the following directions:

The respondents are directed to serve a copy of the order said to have been passed by the 1st respondent against the petitioner for her ejectment from the subject property and on receipt of the copy of the said order, the petitioner is directed to prefer an appeal within a period of thirty (30) days, and if any such appeal is filed, the appellate Authority is directed to dispose of the same as expeditiously as possible.

Accordingly, the writ petition is disposed of. No order as to costs. Miscellaneous Petitions, pending if any, shall stand closed.

September 08, 2017

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RAJA ELANGO, J