

HON'BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.3334 of 2007

ORDER:

This writ petition is filed to declare the action of the respondents in making attempts to demolish the shops of the petitioners in RS No.460/ 2, Jangareddygudem, as illegal and arbitrary.

2. Brief facts of the case, according to the petitioners, are that the petitioners are residents of Jangareddygudem, eking their livelihood by doing small daily wage business. The 1st petitioner owns a pan shop, the 2nd and 5th petitioner are running small hotels, the 3rd and 4th petitioners are running vegetable shops and the 6th and 7th petitioners are also doing small business. One Marina Narsanna, is the land owner, in an extent of Ac.0.52 cents in RS No.460/ 2 towards western side and also adjacent to the R&B road (RS Nos.536 & 559) leading from Jagareddygudem to Eluru. The 1st petitioner purchased an extent of 29 sq. yards on 23.05.2006, the 2nd petitioner purchased an extent of 130 sq. yards on 26.07.2006, the 3rd petitioner purchased an extent of 140 sq. yards on 22.11.2002, the 4th petitioner purchased an extent of 15 sq. yards on 16.12.2002, the 5th petitioner purchased an extent of 190 sq. yards on 19.05.2006, the 6th petitioner purchased an extent of 29 sq. yards on 19.05.2006 and the 7th petitioner purchased an extent of 130 sq. yards on 30.12.2006, from Marina Narsanna, for valuable consideration. After purchase, the petitioners individually occupied their respective sites and doing their small business. There is R & B road, more clearly shown in FMB, leading from Jangareddygudem to Eluru in Sy.Nos.536 and 559. The width of the said road is 40 ft. Subsequently, in the year 2005, the said road was widened to 66 ft. from the centre of

the existing road on both sides to about 33 ft. The respondents came to the shops of the petitioners adjacent to the west of the road and again marked about 15 ft. touching the shops of the petitioners and orally told them that within few days, they will demolish the shops of the petitioners, without issuing any notice and without following the procedure under the Land Acquisition Act. Hence, the writ petition.

3. This writ petition came up for admission on 22.02.2007 and an interim stay not to demolish the shops of the petitioners was granted by this court on the same day.

4. No counter has been filed by the respondents. When the matter came up for hearing, learned Assistant Government Pleader for Revenue, representing the 3rd respondent submitted that she received oral instructions stating that the petitioners are the encroachers of the road and that they erected the shops on the road. Learned Assistant Government Pleader for Roads and Buildings also submitted the same. However, both the learned Assistant Government Pleaders have assured this court that the petitioners will not be evicted without following the due process of law.

5. Recording the said submission of the learned Assistant Government Pleaders, this writ petition is disposed of, directing the respondents to follow due process of law before evicting the petitioners. No order as to costs. Pending miscellaneous petitions, if any, in this writ petition, shall stand closed.

KONGARA VIJAYA LAKSHMI, J

Date: 04.12.2017
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