

THE HON'BLE SRI JUSTICE M.GANGA RAO

W.P.No.238 OF 2006

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking to declare the action of the respondents in insisting the petitioners to vacate from the site admeasuring 30 square yards each adjacent to Gudlur-Kandukur road situated in Sy.No.235 of Gudlur Village (for short 'subject lands'), as illegal and arbitrary.

2. Heard the learned counsel for the petitioners, the learned Assistant Government Pleader for Revenue for R-1 and R-2, learned Assistant Government Pleader for Home for R-3 and Sri M.Prabhakar Rao, learned counsel for R-4.

3. The case of the petitioners is that themselves and their parents are in occupation of the subject lands for the past three decades by establishing small bunks and doing petty businesses to eke out their livelihood. Their grievance is that respondents 1 and 2, at the instance of 4th respondent, high handedly tried to evict them on 21.12.2005, with the help of R-3, without issuing any notice and contrary to the provisions of A.P. Land Encroachments Act and A.P. Panchayat Raj Act.

4. On 04.01.2006, this Court while admitting the writ petition directed the respondents not to evict the petitioners, without following due process of law.

5. The main contention of the learned counsel for the petitioners is that the petitioners are in occupation of the subject lands and are running petty business; while so the respondent Nos.1 to 3 at the instance of 4th respondent tried to dispossess the petitioners high handedly from the subject lands without issuing any notice.

6. Though the Writ Petition is of the year 2006, till date no counter affidavit is filed by respondents 1 to 3.

7. Today the learned Assistant Government Pleader for Revenue sought time to get instructions so as to report this Court as to the present stage of eviction. In earlier occasions also i.e. on 03.11.2017 and 10.11.2017, the matter was adjourned to enable the learned Assistant Government Pleader for Revenue to get suitable instructions. In spite of the same, till date he could neither get any instructions nor filed any counter. Further, the writ petition is of the year 2006. Hence, I am not inclined to adjourn the matter further.

8. Therefore, the writ petition is disposed of directing respondents 1 to 3 not to dispossess the petitioners from the subject lands, except by following due process of law, if not already dispossessed. No order as to costs. Miscellaneous Petitions pending, if any, in this writ petition, shall stand closed.

M.GANGA RAO, J

17.11.2017
TSNR