

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.13236 of 2012

ORDER:

1) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondents in trying to evict the petitioners from their house sites admeasuring Ac.0.03 cents each in Sy.Nos.924/ 6, 924/ 1, 924/ 4 and 924/ 4 vide Plot Nos. 26, 23, 110 and 109 respectively, situated at Shiva Nagar and Anjaneya Nagar, H/o. Madakalavaripalli, Gopavaram Mandal, Kadapa District, without following due process of law, as illegal, arbitrary and violative of Article 300-A of the Constitution of India.

2) The averments in the affidavit filed in support of the writ petition would show that the petitioners, who are poor, belong to economically, socially, backward class community and are resident of Madakalavaripalli Village. Pursuant to the application made by the petitioners, the respondents conducted enquiry and assigned the land referred to above in their favour and possession was also delivered to them, with a condition to construct a house or hut within a period of twelve months or six months. It is stated that due to paucity of money, the petitioners laid huts over the house sites. While things stood thus, the respondents are trying to evict the petitioners from the house sites without issuing any notice. Hence, the writ petition.

3) By an order, dated 27.04.2012, this Court while admitting the writ petition, ordered stay of dispossession.

4) A counter came to be filed disputing the averments made in the affidavit filed in support of the writ petition. It is stated that the land to an extent of Ac.10.07 in Sy.No.924 was classified as hillock poramboke and the same was sub-divided as Sy.Nos.924/ 1, 924/ 2, 924/ 3, 924/ 4, 924/ 5 and 924/ 6. It is stated that house sites were issued in favour of the petitioners and the same were cancelled as the beneficiaries violated the conditions of the patta. In para No.4 of the counter it has been stated that the allegation of petitioners being dispossessed without following due process of law is incorrect and that action has been taken after giving sufficient opportunities to the petitioners. In para No.6 of the counter it is stated that objections from the petitioners were called for by publishing a notice, but no objections are received from the petitioners within the stipulated time. Hence, the authorities passed resumption orders and the land was handed over to the Head Master, Z.P.H.S., Poosalawada. In para No.7 of the counter it has been stated that the assignment pattas given to the petitioners have been cancelled and land is resumed by the Government for giving possession to Z.P.High School, Poosalawada.

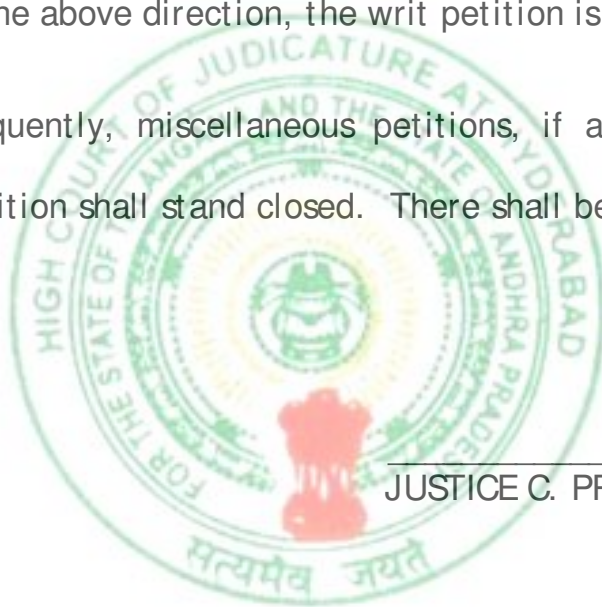
5) At the time when the matter is taken up for hearing, learned counsel for the petitioners submits that the petitioners are still in possession of the property and the respondent

authorities are trying to evict them without following due process of law.

6) Having regard to the facts and circumstances of the case and without going into the merits of the case, if the petitioners are in possession of the property, which is subject matter of dispute in the present writ petition, the respondent authorities shall follow due process of law, while taking steps for eviction, if not already done.

7) With the above direction, the writ petition is disposed of,

8) Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.



JUSTICE C. PRAVEEN KUMAR

27.02.2017
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