

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.4548 OF 2017

ORDER:

Heard Mr.N.Aswartha Narayana, counsel for petitioners and the learned Assistant Government Pleaders for respondents 1 to 4.

2. The petitioners prayed for a writ of mandamus or any other appropriate writ order or direction declaring the action of the 4th respondent in trying to demolish/dispossess the petitioners from their respective houses situated at Chowdeswari Colony, Hindupur Town, Anantapur District, without issuing any notice and without following any procedure as illegal and arbitrary and consequently direct the respondents 2 to 4 not to dispossess the house of 1st petitioner: D.No.26-4-3848, 2nd petitioner: 26-4-3856, 3rd petitioner: 26-11-152, 4th petitioner: 26-4-3205, 5th petitioner: 26-4-3852, 6th petitioner: small hut, 7th petitioner: 26-4-1573/5, 8th petitioner: 26-03-8-2A, 9th petitioner: 26-4-1628/102, 10th petitioner: small hut and 11th petitioner: RCC structures hut situated at Chowdeswari Colony, Hindupur, Anantapur District.

3. On 09.02.2017, at request of respondents, the writ petition has been adjourned by four weeks. The respondent No.4 filed counter affidavit setting out the circumstances

under which the survey was undertaken, wherein the encroachments are noticed by the Field Survey Department etc. The 4th respondent has further stated thus:

“Further it is submitted that, the 4th Respondent is the Govt Servant and law abiding citizen, and without following the due process of law and without issuing Notices to them the above encroachments in Sy No.435 of Kotnur Village will not be removed/demolished at any cost. The encroachments will be resumed only after following due process of law.

Further it is submitted that, the 4th Respondent is the Govt Servant and law abiding citizen, and without following the due process of law and without issuing Notices to them the above encroachments in Sy No.435 of Kotnur Village will be removed/demolished at any cost.

In view of the above facts and circumstances, I pray that the Writ Petition may be dismissed and permission may be granted to evict the Petitioners 1 to 10 from the Channel Poramboke in Sy No.435 of Kotnur village of Hindupur Mandal in the interest of justice.”

4. From the above, it is clear that the 4th respondent, for removing the encroachments, undertakes to follow the procedure stipulated by law and remove the encroachments in Channel Poramboke in survey No.435 of Kotnur Village of Hindupur Mandal. The statement of 4th respondent is accepted.

5. Writ petition is accordingly disposed of. No order as to costs. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

S.V.BHATT, J

09.03.2017

SS

