HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 15202 of 2005

ORDER:

1) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondents in demolishing the compound wall, house and shop in premises bearing Nos.11-4-645/1 and 2, situated at Asifnagar, Hyderabad, as illegal and arbitrary; and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioners over the said property.

2) Though various grounds are raised in the writ petition, learned counsel for the petitioners submits that the petitioners are in possession of the property since last 65 years and they have also raised a house therein. Hence seeks a direction to the respondents to follow due process of law.

3) The Government Pleader for Revenue, on instructions, would submit that as per the revenue record, the said land is Abadi land and the petitioners have no right over the said land.

4) Even assuming for the sake of the argument that the petitioners have encroached the government land, if the respondents intend to take against the them, they shall follow due procedure in view of the judgment of this Court in *Kadiyala*

*Sudershan and others v. Government of Andhra Pradesh, rep. by its Principal Secretary*[1].

5) Having regard to the above and in view of the judgment of this Court referred to above, even if the petitioners have encroached as to the Government land, the respondent authorities shall follow due process of law while evicting them.

6) With the above direction, the writ petition is disposed of. There shall be no order as to costs.

7) Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

03.08.2017
gkv

[1] (2013) 6 ALT 42