

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.23133 of 2013

ORDER:

1. This writ petition is filed by the petitioner seeking to declare the action of the respondents in interfering with his patta land without following due process of law, as illegal and arbitrary.

2. It is the case of the petitioner that house site admeasuring 144 sq. yards in Plot No.5 situated in R.S.No.1/1 of Maruteru village was given to his father, vide allotment order dated 12.11.1983 and since then, the petitioner and his father are in continuous possession of the same. While so, the 5th respondent gave notice on 11.1.2013, for which the petitioner submitted his representation. But without considering the same, respondents Nos.3 to 5 gave a warning to the petitioner to remove his house. Hence, the present writ petition has been filed.

3. Heard and perused the material available on record.

4. On 20.8.2013, this Court passed interim order directing that no demolition of the structures shall be undertaken pursuant to the notice issued by the Assistant Executive Engineer, Drainage Section, Maruteru, West Godavari District.

5. The main grievance of the petitioner that notice was not served prior to taking action against the petitioner. Considering the facts and circumstances of the case and the grievance of the petitioner, without expressing any opinion on merits, this Court is inclined to pass the following order:

“The respondents are directed to issue a notice, if they intend to demolish the structures in the site in question, and

follow due process of law. The petitioner is also at liberty to give reply to such notice, if he so desires. The respondents are directed not to take any coercive steps for demolition till decision is taken on the basis of the reply so given by the petitioner after issuance of notice.”

6. With the above direction, the Writ Petition is disposed of. No costs.
Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

Date: 20th April, 2017
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