

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 38120 of 2013

ORDER:

1) Heard learned counsel for the petitioners, Government Pleader for Home, Government Pleader for Revenue, Government Pleader for Assignment and Sri D.Y.L.N.Charyulu, learned counsel appearing for the 8th respondent.

2) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondents 4 to 7 in trying to demolish the petitioners' small houses situated in Ac.0.89 cents in Sy.No.41-1, Ac.1.26 cents in Sy.No.41-2A/ 1A and Ac.0.65 cents in Sy.No.41-2B/ 2A of Ganenaik Nagar, Anantapur Town, Anantapur District, basing on the orders passed by the Lokayuktha, without issuing any notice and without following any procedure, as illegal, arbitrary; and consequently direct the respondents not to dispossess the petitioners from the said houses or demolish the houses constructed in the said land.

3) The averments in the affidavit filed in support of the writ petition would show that the petitioners claims to be in possession and enjoyment of the houses constructed in the said land. The Gram Panchayat allotted door numbers and also provided public water tap connection by collecting tax from the petitioners. The petitioners approached the revenue authorities to assign the above said house sites in their favour since the said land was lying

waste and the same is pending. While things stood thus, on 10.12.2013 respondents 6 and 7 came to the spot and directed the petitioners to vacate the houses stating that Lokayuktha directed them to hand over the possession of the land to 8th respondent. As respondents 6 and 7 highhandedly tried to evict the petitioners from the houses without issuing any notice, without affording any opportunity and without following any procedure, the present writ petition is filed.

4) By an order, dated 24.12.2013, this Court while admitting the writ petition directed respondents 6 and 7 not to dispossess the petitioners, or demolish the subject structures, except after putting them on notice and giving them an opportunity of being heard.

5) A counter came to be filed by the Tahsildar-6th respondent stating that originally the land was assigned to Smt. Terja Bai, W/o. Sadari vide proceedings Dis.No.70/ 92 dated 07.04.1983 and her name was also entered in the revenue records. Pattadar pass book and title deed were also issued in her favour, thereafter she died. During her life time, the original assignee executed a will deed No.41/ 06-07 dated 12.09.2006 in the name of S.K.Susai Raj, who is the father of the 8th respondent. After the death of S.K.Susai Raj, the 8th respondent succeeded to the said property. It is further stated in the counter that the activists of CPM party erected huts in the said land. Hence, the 8th respondent lodged a complaint before the Lokayuktha, Andhra Pradesh. The

Lokayuktha directed the Tahsildar, Anantapuram and Station House Officer, III Town Police Station, Anantapuram, to evict the encroachers and hand over the land to the 8th respondent. Pursuant to the same, respondents 6 and 7 visited the subject site and informed the petitioners about the orders passed by the Lokayuktha. It is further stated in the counter that for implementation of the orders of Lokayuktha, necessary procedure as laid down under the Act will be followed by the authorities.

6) The grievance of the petitioners is that pursuant to the orders passed by the Lokayuktha, the respondent authorities are trying to demolish the structures raised by the petitioners without issuing any notice and without following due procedure. The counter filed by the Government reads something else.

7) Having regard to the facts and circumstances of the case, any action to be taken by the respondent authorities shall be in accordance with the due procedure laid down by law.

8) With the above direction, the writ petition is disposed of. No order as to costs.

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

JUSTICE C. PRAVEEN KUMAR

04.04.2017
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