

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.3068 of 2008

ORDER:

Heard Sri P.Satyarajababu for petitioner, the Assistant Government Pleader (Social Welfare) for respondents 1 and 2, the Assistant Government Pleader for Revenue for 3rd respondent and Sri Narasimha Rao Gudiseva for respondents 4 and 5.

The petitioner apprehending execution of ejectment order passed in Case No.347/88/CHG dated 28-02-1991 and dispossessing him from an extent of Ac.0-34 gts., in Sy.No.42/A of Thungaram Village, Chandrugonda Mandal, Khammam District, filed the instant writ petition.

The petitioner refers to order in Case No.347/88/CHG dated 28-02-1991 and contends that the order of ejectment is always executed like a decree passed by the competent civil court, the period of limitation is attracted, and contemplating to execute the order dated 28-02-1991 or dispossessing the petitioner without recourse to law etc., as illegal, arbitrary and unconstitutional.

On 15-02-2008, the following interim order was passed.

“Notice before admission.

It is submitted by the learned Counsel for the petitioner that though eviction order 28-2-1991 passed by the Special Deputy Collector, Tribal Welfare, Bhadrachalam, Khammam District, had become final, but, the same was not executed. It is his case that as per Regulation 1/ 70, the decree of eviction has to be enforced by following the procedure contemplated under the Code of Civil Procedure and as the said decree of eviction was of more than twelve years, and, was not executed within twelve years, the same is barred to be executed at this stage.

The learned Government Pleader appearing for the respondents to get instructions in the matter.

The respondents are directed to maintain status quo existing as on today with regard to the land admeasuring Ac.0.34 guntas covered by Sy.No.42/ A of Thungaram Village, Kothagudem Taluk in Khammam District, for a period of three weeks.

Post after two weeks.”

The interim order was made absolute and the interim order is subsisting as on date.

Respondents 2 and 3 in spite of receipt of notice have not responded by filing counter affidavit.

After perusing the material available on record and to meet the ends of justice, I am satisfied that the writ petition can be disposed of by this order:

1. The interim order dated 15-02-2008 is made as final order in the writ petition.
2. Respondents 2 and 3 are directed not to disturb petitioner's possession except in accordance with law and by putting the petitioner on notice.
3. The petitioner is given liberty to raise all objections available against the issuance of notice and threatened action of dispossession. If steps for ejectment are taken, objections raised by petitioner are specifically adverted to and orders are passed.

The writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Dt: 06-03-2017
Prv

THE HON'BLE SRI JUSTICE S.V.BHATT



06-03-2017

Prv