

HONB'E SRI JUSTICE CHALLA KODANDARAM

WRIT PETITION No.11650 OF 2017

ORDER:

The writ petition is filed questioning the proceedings dated 02.03.2017, issued by the 4th respondent-Assistant Commissioner directing the 5th respondent-Executive Officer, to take steps to remove the encroachments in view of the order dated 06.04.1993, passed by the Endowments Tribunal in O.A.No.15 of 1988.

The case of the petitioners is that they are in possession and enjoyment of the lands situated in Sy.No.697/2 and 702/1 of Thimmasamudram Village, Naguluppapadu Mandal, Prakasham District. The petitioners had approached the 1st respondent – Government and submitted applications to allot them pattas for the above said lands and the said applications are pending with the 1st respondent.

Heard the learned counsel for the petitioner, learned Government Pleader for the respondents 1 to 4 and Sri A. Srikantha Reddy, learned standing counsel for the 5th respondent.

It is not in dispute that the petitioners or their ancestors were found to be encroachers by an order dated 06.04.1993, passed by the Endowments Tribunal in O.A.No.15 of 1988 and the said order was become final.

In those circumstances, the proceedings dated 02.03.2017 of the 4th respondent, in no way can be decided as illegal. However, considering the fact that the petitioners are in possession and enjoyment of their respective properties even after passing of the orders in O.A.No.15 of 1988, and especially considering the fact that on behalf of the petitioners, 1st petitioner who had filed the

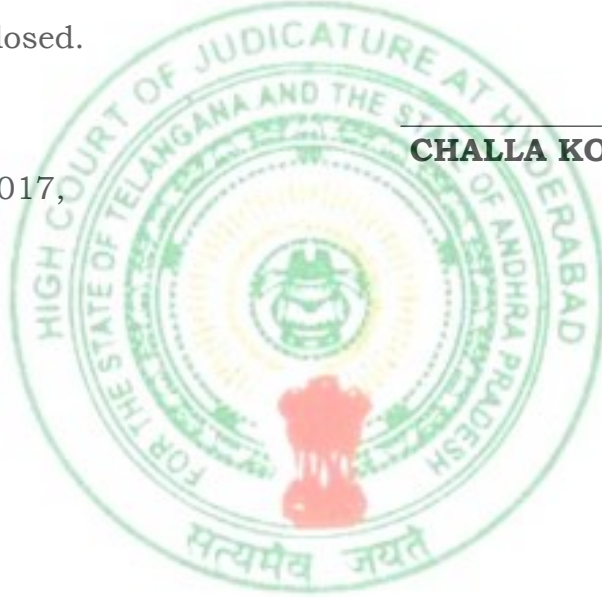
writ petition representing all the petitioners, had filed the affidavit before this Court stating that if six months time is granted, all the petitioners would vacate the premises and hand over the same to the 4th respondent, the interest of justice would be served, if a reasonable time is granted to the petitioners to vacate and handover their respective premises to the 4th respondent.

Accordingly, the writ petition is disposed of directing the petitioners to vacate and hand over their respective premises to the 4th respondent on or before 30.10.2017. No order as to costs.

Miscellaneous petitions, if any pending in this writ petition shall stand closed.

Date:17.04.2017,
Gk.

CHALLA KODANDA RAM,J



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Gk.

