

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.20007 of 2017

ORDER:

The prayer in the writ petition reads as follows:

“To issue a writ more particularly in the nature of writ of mandamus declaring the action of the respondent No.3 trying to dispossess the petitioners from their dwelling house at (new) D.No.1-93, (old) D.No.1-76/177, in RS.No.72/2, to an extent of 120 square yards situated at Rajaka Street, Krishnayapalem Village, Tadepalligudem Mandal, West Godavari District, AP, without issuing any notice to the petitioners and without following due process of law as highly illegal, arbitrary and contrary to the provisions of the Right to Fair Compensation Act 2013 and also violation of Articles 14, 19(g), 21 & 300-A of Constitution of India and also violation of Principles of natural justice and consequently direct the respondent No.3 not to interfere with the peaceful possession and enjoyment of the dwelling house of the petitioners at (New) D.No.1-93, (old) D.No.1-76/177, in RS.No.72/2, to an extent of 120 square yards situated at Rajaka Street, Krishnayapalem Village, Tadepalligudem Mandal, West Godavari District, AP, and pass such other order or orders.”

Heard the learned counsel for the petitioners and learned Government Pleaders for Panchayat Raj & Revenue for respondent Nos.1 and 2 and also Sri Ravi Cheemalapati, learned standing counsel for the 3rd respondent and perused the prayer in the writ petition with the supporting affidavit including the counter affidavit of Panchayat and reply affidavit of the petitioners.

According to the petitioners, they are in settled possession since more than 50 years and they are the landless poor with no other abode and the respondents have no right to interfere with

them in saying the land in question is in RS.No.72/2 with respective door numbers. The counter affidavit filed by the 3rd respondent-Panchayat Secretary is that the land in question is not in RS.No.72/2, but is in the Government land vested with the Panchayat as part of RS.No.70/2 and the petitioners have no right to continue.

It is the submission of the petitioners that the revenue authorities are pursuing to allot some alternative site for rehabilitating them and it is in process.

Having regard to the above and also for the fact that even it is in RS.No.70/2 or 72/2 as the case may be, they cannot be dispossessed except through due process of law.

Accordingly and in the result, the Writ Petition is disposed of by making absolute the interim order of not to dispossess them except through due process of law that too on demarcation and finding out where the houses in question are situated.

Consequently, miscellaneous petitions, if any shall stand closed. No costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 24.07.2017

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