

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.764 of 2017

ORDER:

The present writ petition is filed by the petitioner seeking to declare the action of the respondents in removing petitioners' farm house situated in RS No.264/ 2 & 267 in Dirsumarru Village, Bhimavaram Mandal, West Godavari District, while subsisting lease, as illegal and arbitrary, and consequently, direct the respondents not to remove the farm house so long as the lease is in subsistence.

Heard and perused the material available on record.

The case in brief is that the petitioners are the tenants of the 3rd respondent temple of an extent of Ac.1.62 cents each, situated in RS No.264/ 1 & 267 of Dirsumarru village, Bhimavaram Mandal, West Godavari District, and as per the orders of the 2nd respondent, dated 31.08.2016, the lease has been renewed upto 2019. While so, one M.Venkatratnam Naidu of Secunderabad, filed a complaint No.3367/ 2013 before the Lokayuktha, alleging that vast land, belong to the 3rd respondent temple, was illegally occupied and illegal constructions were made. On such complaint, the Lokayuktha issued orders on 20.08.2016 directing the 5th respondent to obtain particulars of the said encroachers and take action for demolition of the unauthorized constructions by following the due procedure. On such direction, the 5th respondent directed the 6th respondent to take action and in turn, the 6th respondent issued notices to the petitioners to submit their objections.

The grievance of the petitioners is that they were not shown as parties before Lokayukta and that even though (10) days time was

granted for them to submit their explanations to the notices issued by the 6th respondent, before expiry of that period, the 6th respondent is trying to demolish the structures and to remove the farm houses.

Taking into consideration the circumstances of the case and the grievance of the petitioners, this Court is of the view that the writ petition can be disposed of with the following directions:

The petitioners are directed to submit their objections/reply to the impugned notice, and on submission of such objections/reply, the 6th respondent is directed to consider the same and pass appropriate orders in accordance with law. Till such time, the petitioners shall not be evicted from the subject land.

Accordingly, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

January 06, 2017.
KTL

RAJA ELANGO, J

