

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.9498 OF 2017

ORDER:

This writ petition is filed, under Article 226 of the Constitution of India, questioning the alleged action on the part of the 2nd respondent in trying to dispossess the petitioners from dwelling houses by issuing notice dated 10-03-2017.

2. Heard the learned counsel for petitioners and learned Government Pleader for Irrigation for respondents.

3. According to the petitioners, they are poor people, belong to weaker sections and are daily wage earners. They claim to be in possession of the property for a long time and it is alleged in the affidavit filed in support of the writ petition that on 10-03-2017 2nd respondent along with his staff came to their houses and stated that the houses of the petitioners are situated in Government lands and asked them to vacate the same within a week. It is further stated that the 2nd respondent issued a notice dated 10-03-2017 asking the petitioners to vacate their houses within a period of seven days while informing that in the event of failure to do so, appropriate action in accordance with the provisions of the Land Encroachment Act, 1905 will be taken.

4. At the hearing, it is submitted by the learned Government Pleader that there is absolutely no cause of action to the petitioners to file writ petition under Article 226

of the Constitution of India as it is made clear in the impugned notice that in the event of failure to vacate the houses appropriate action would be taken in accordance with the provisions of the Land Encroachment Act,1905.

5. Recording the said submission, the writ petition is disposed of directing the respondents herein to adhere to the relevant provisions of law before resorting any action against the petitioners herein. It is made clear that the respondents herein shall not high-handedly deal with the possession of the petitioners except in accordance with law.

5. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

16.03.2017
TSNR

A.V.SESHA SAI, J

