

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SMT JUSTICE J.UMA DEVI

WRIT APPEAL NOs.439, 562, 709 AND 719 OF 2017

COMMON JUDGMENT: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

These appeals are preferred along with applications seeking leave to question the order of the learned Single Judge in WP.No.9362 of 2013 dated 07.12.2015.

The appellants are not parties to the Writ Petition, and claim to be unaware of the order till recently. The delay in preferring the appeal is, therefore, condoned.

While Sri K.Keerthi Kiran, Sri G.Rajesh Babu and Sri M.Karibasaiah, learned counsel for the appellants, submit that no notice was served on them before initiating action for demolition of the buildings constructed by them, Sri K.Jagan Mohan Reddy, learned counsel for respondent-writ petitioner, would contend otherwise stating that notice was published in the newspapers and also by way of 'tom-tom'. These issues were considered by this Court earlier in WA.Nos.343 and 395 of 2017 and, by order dated 03.04.2017, the appellants were permitted to submit their reply to the notice within two weeks from the date of the order, and the respondents were directed to take necessary action in accordance with law.

All the learned counsel for the appellants state that the appellants would file their reply to the show cause notices, handed over to them by the learned Standing Counsel, Anantapur Municipal Corporation, within two weeks from

today. In terms of the order passed by the Division Bench in WA.Nos.343 and 395 of 2017 dated 03.04.2017, the Anantapur Municipal Corporation shall consider the appellants reply, and pass orders thereupon within two weeks thereafter and shall take necessary action in accordance with law. The entire exercise, culminating in an order being passed and action being taken by the Municipal Corporation in accordance with law, shall be completed within a period of six weeks from today. All the four Writ Appeals are, accordingly, disposed of.

While it is contended by the Learned counsel for the respondent-writ petitioners, and by the Learned Government Pleader for Revenue that the pattas issued to the appellants and their predecessors-in-title is fake, the appellants would even then be encroachers over the subject land and can only be evicted after they are put on notice, and are given an opportunity of being heard. The Tahsildar, Anantapur shall, within ten days from today, put the appellants on notice regarding their encroachment. The appellants shall, within two weeks thereafter, submit their reply to the Tahsildar who shall, within three weeks from the date of receipt of the appellants' reply to the show cause notice, pass orders thereupon, communicate the same to the appellants, and thereafter take action in accordance with law. The entire exercise, culminating in an order being passed and communicated to the appellants, shall be completed within a period of two months from today.

All the Writ Appeals are disposed of accordingly. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(RAMESH RANGANATHAN, ACJ)

(J.UMA DEVI, J)

7th August 2017

NOTE: Issue CC by tomorrow

B/O

RRB

