

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION Nos.36245 and 36316 OF 2017

COMMON ORDER:

These two Writ Petitions, under Article 226 of the Constitution of India, are filed declaring the orders, dated 06.10.2017 and 26.10.2017, issued by the 6th respondent, as arbitrary and illegal and consequently, to set aside the same and direct the 6th respondent not to evict the petitioners from their respective premises.

2. Heard learned counsel for the petitioners and learned Government Pleaders appearing for the respondents.

3. Learned counsel for the petitioners submits that without application of mind and without considering the issue in proper perspective, the impugned orders have been passed; that the petitioners are residing in the subject premises and running business for more than 100 years by paying licence fee to the Gram Panchayat, as such they cannot be evicted. It is stated that earlier when the Executive Officer, Renuigunta Gram Panchayat, issued proceedings, dated 06.07.1978, to demolish the shops including the shops of the petitioners, they filed petition before the Government, represented by its Panchayat Raj Minister, and Government passed orders granting stay and the said order is still in force; and that when the petitioners are paying licence fee and Gram Panchayat has also granted licence to run the shops, they cannot be evicted from the subject premises and hence, prays to set aside the impugned orders.

4. Learned counsel for respondent No.6 filed counter-affidavit stating that the petitioners are encroachers upon the site situated at Railway station road, RTC Bus stand, Renigunta. The petitioners were issued notice on 06.10.2017 to remove the encroachments and aggrieved by the said notice, they filed W.P.No.33994 of 2017 and this Court disposed of the same with a direction to treat the said notice as a show cause notice and directed the petitioners to submit explanation within one week. After receipt of explanation, the respondents have passed a reasoned order stating that petitioners have not filed any document to show they have got title over the subject property, except stating that they are paying licence fee to the Gram Panchyat.

5. Heard Sri G.Seshadri, learned Government Pleader for respondent No.6.

6. It is to be seen that the impugned orders are passed holding that the petitioners are encroachers upon the site situated at Railway station road, RTC Bus stand, Renigunta. The petitioners have not filed any document to show that they are owners of the subject property. Their case is that since the Gram Panchayat was allowing them to run the business by paying licence, they cannot be evicted. But, payment of licence fee for granting of licence for doing business under the provisions of the A.P Panchayat Raj Act, cannot be taken as a right to continue the petitioners in the property, as such the respondents have considered the issue and passed the impugned orders. Though it is stated Government has granted stay in respect of subject property, but the same is not

clear from the proceedings filed in the Writ Petition. Therefore, I do not see any reason to entertain the writ petitions and accordingly, they are liable to be dismissed.

7. Therefore, the Writ Petitions are dismissed. Miscellaneous petitions, if any, pending in these writ petitions shall stand closed. There shall be no order as to costs.

A.RAJASHEKER REDDY, J

NOVEMBER 16, 2017

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Date: 16.11.2017

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