

The Hon'ble Sri Justice A.Rajasheker Reddy

Writ Petition No.38968 of 2017

Order:

This Writ Petition is filed for a Mandamus to declare the action of respondent No.3 in issuing the proceeding in ROC.No.NIL/2017, dated 14-11-2017, directing the petitioners and some others to remove the encroachments raised by them around the tank in RS.No.318/1 and 318/2 of Vedangi Gram Panchayat, Poduru Mandal, as illegal and arbitrary.

Heard learned Counsel for the petitioners, learned Government Pleader for Panchayat Raj appearing for respondent No.1 and Sri Ravi Cheemalapaati, learned Standing Counsel for respondent No.3- Zilla Parishad.

The brief facts of the case are that the petitioners are permanent residents of Vedangi Village of Poduru Mandal, West Godavari District, Andhra Pradesh; that they are agricultural coolies; that they are in possession and enjoyment of small extents of lands having constructed small houses therein; that their houses have been given door numbers and electricity connections; and that they have been paying the taxes and electricity charges regularly.

The grievance of the petitioners is that respondent No.3 has issued the impugned proceeding directing them to vacate the

properties in their respective occupation within a period of seven days from the date of its receipt, failing which the authorities themselves will remove the same with the help of the Police and recover the costs from them by initiating civil and criminal actions against them.

The learned Counsel for the petitioners submitted that respondent No.3 has straight away issued the impugned proceeding without any prior notice and without giving them an opportunity of being heard.

A reading of the impugned proceeding goes to show that straight away notice to remove the structures constructed by the petitioners was issued without prior notice. In view of the same, the impugned proceeding is set aside. It is open for the respondents to take action in accordance with law after issuing notices to the petitioners and after giving them an opportunity of hearing.

Accordingly, the Writ Petition is disposed of directing the respondent authorities not to evict the petitioners from their respective properties without following the due process of law.

As a sequel, Miscellaneous Petitions, pending if any, stand disposed of as infructuous.

(A.Rajasheker Reddy, J)

Dt: 11th December, 2017
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