

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.5737 of 2018

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Revenue for respondent Nos.1, 2 & 4 and Sri S.D. Goud, learned Standing Counsel, who offers to appear for the 3rd respondent from the oral instructions and perused the prayer in the writ petition with the supporting affidavit.

A division bench judgment of this Court in W.P.Nos.8467 & 10394 of 1999 dated 17.08.2004 is crystal clear in declaring that the action of respondent Nos.1 & 2 therein that is Commissioner and Chairperson of Ananthapur Municipality in converting the central park area, which is part of the master plan and into residential plots and allotment of said plots in favour of members of the 4th respondent APWJ Union, Ananthapur District and the councilors of the 5th respondent as illegal and in directing the Ananthapur Municipality, MRO and the Director of Town and Country planning to take back the land to be restored for the said purpose mentioned in the master plan.

The petitioner among others of the Union preferred CA.Nos.5163 & 5164 of 2010 before the Apex Court and the same was ended in dismissal without admission of the SLP on 05.10.2017 itself. Pursuant to which already notice under Section 7 of the Land Encroachment Act is issued by the Tahsildar on 27.01.2018 giving 7 days time to vacate and the reply dated 03.02.2018 given by the petitioner is to grant 5 months time to vacate.

The learned Standing Counsel vis-à-vis learned Government Pleader for Revenue clearly say that the petitioner is conscious of the order of the High Court Division Bench way back in 2004, leave about the Supreme Court judgment in October 2017 itself and thereby not entitled to any time and liable to be vacated and they are ready to proceed pursuant to said notice under Section 7 of the Act.

Having regard to the above, there is nothing to keep the writ petition pending, but for to consider the petitioners and other persons similarly situated by granting two (2) months time without prejudice to serve in the meantime notice under Section 7 of the Act to vacate the premises on or before 30.04.2018, failing which the authorities pursuant to the said proceedings take further action. The petitioners and others similarly situated are not entitled to further time.

With the above observations, the Writ Petition is disposed of.

Consequently, miscellaneous petitions, if any shall stand closed. No costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 21.02.2018
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