

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION NO.10371 OF 2007

ORDER:

This writ petition is filed seeking to declare the action of the respondents in demolishing the shed and high handed attempt to occupy the site of 100 Sq.yards in Sy.No.577/4, situated in front of the petitioners' house bearing No.13/261, Hospital Road, Gudur, Nellore District as arbitrary, illegal and void.

2. The petitioners are residents of House No.13/261 in Sy.No.577/4, Hospital Road, Gudur, Nellore District. In front of their house, there is an open land in an extent of 100 Sq.yards measuring 35 feet East to West and 25 feet South to North. The petitioner submitted an application before the District Collector, Nellore requesting to allot the site on payment of market value and accordingly, the same has been considered and file has been processed and the Government issued G.O.Ms.No.930, Revenue (Asst-II) Department, dated 3-11-1997 by fixing the market value of Rs.2,000/- per Sq.yard. In pursuance of the said Government Order, the petitioners paid Rs.2,00,000/- under Treasury Challan No.683 dated 17-11-1997 and the District Collector, Nellore by order dated 21-11-1997 issued alienation proceedings and the petitioners were put in possession of the said land.

3. While the matter stood thus, the respondents issued a notice dated 8.05.2007 and thereafter demolished the shed which was erected in the said 100 Sq.yards on 11.05.2007 and questioning the said action, the present writ petition has been filed.

4. This Court by order dated 16-05-2007 granted orders of status-quo.

5. The second respondent filed a counter affidavit, wherein, it is stated that the subject land is different from the land alienated to the petitioners. Since the subject land has been encroached, steps have been taken under Land Encroachments Act and accordingly, the encroachment has been removed.

6. In reply, the petitioners categorically stated that the respondents removed the shed without following due process of law and that apart no notice has been issued and the subject land is the one which has been alienated by the Government.

7. In view of the facts and circumstances of the case and as the balance of convenience is in favour of the petitioners and the petitioners are enjoying the orders of status-quo since 2007, the first respondent is directed to personally visit the subject land and fix up the boundaries as per the alienation proceedings issued by the Government in favour of the petitioners and restore their possession within a period of two months from the date of receipt of a copy of this order. In any event if the petitioners encroaches the land apart from the land which has been alienated in their favour by the Government, the respondents are at liberty to take steps in accordance with law.

3. With the above observation, the writ petition is disposed of. No order as to costs. As a sequel, the miscellaneous petitions pending if any shall stand closed.

T.AMARNATH GOUD, J

Date: 20-02-2018.
Shr.