

THE HON'BLE SRI JUSTICE P.KESHA RAO

WRIT PETITION NO. 33682 OF 2013

ORDER:

Heard the learned counsel for the petitioners as well as the learned GP appearing for respondent Nos. 1 to 3.

2. The prayer sought in the Writ Petition is as under:

“to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, to declare the action of the respondent No 3 herein in calling the petitioners to the police station and causing his interference in the civil disputes and threatening to demolish the huts raised by them in the land in Sy. No. 781/A2 situated at Joharapuram village and Mandal, Kurnool District at the instigation of 4th respondent herein, without any authority and jurisdiction, as being illegal, arbitrary, unconstitutional and as being illegal, arbitrary and violative of Article 14, 19, 21 and 300-A of the Constitution of India.”

3. Learned counsel for the petitioners strenuously contended that the petitioners cannot be dispossessed without following due process of law.

4. Learned GP appearing for respondent Nos. 1 to 3 submitted that respondent No.3 gave protection to the Tahsildar pursuant to the letter dated 6.11.2013 and except giving protection he has not resorted to any action against the petitioners.

5. This Court, on 2.12.2013, after hearing both the counsel, passed a comprehensive order directing respondent No.3 not to act on the letter of the Tahsildar, Kallur mandal dated 6.11.2013. However, it was made clear that the order passed should not preclude the Tahsildar from initiating action in accordance with law for eviction of the encroachers; but the petitioners should be put on notice and opportunity should be given to them to hear them and thereafter, if necessary, to take action in accordance with law.

6. In the light of the above said orders, no further orders are required in this Writ Petition.

7. Accordingly, the Writ Petition is disposed of.

8. However, it is made clear that before initiating any action, the respondents are directed to follow due process of law.

8. Accordingly, the Writ Petition is disposed of.

Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

P. KESHAVA RAO,J

Date: 6.11.2018

KPM