

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.6812 of 2018

ORDER:

Petitioners claim that they are in possession of a small extent of land at Alamuru Village, Penumantra Mandal, West Godavari District, and running a small sweet shop and a small hotel thereon for their livelihood. They assert that on an earlier occasion, when the respondent authorities threatened them to vacate the subject land on the ground of encroachment, they filed Writ Petition No.38734 of 2017, in which, this Court passed an interim order in WPMP.No.48081 of 2017 on 17.11.2017 to the effect that their possession and enjoyment shall not be interfered with without following due process of law. They further assert that in pursuance thereof, a notice, dated 04.01.2018 came to be issued by the third respondent and they submitted explanation along with relevant documents. However, no orders were passed thereafter. They also assert that while so, the fifth respondent issued notice, dated 20.02.2018 to them to attend before him on 24.02.2018, on which date, they attended before the fifth respondent, who in turn, obtained their signatures/thumb impressions. However, no orders were passed thereafter.

Learned counsel for the petitioners submits that at any rate, the Gram Panchayat authorities are not entitled to seek eviction of the petitioners from the subject property.

Learned Government Pleader places on record the instructions received from the fourth respondent - Tahsildar, Penumantra Mandal, West Godavari District, and submits that eviction process with respect to the subject land is not yet started and it would be taken in accordance with the provisions of the Andhra Pradesh Land Encroachment Act, 1905.

In those circumstances, the Writ Petition is closed with the direction to the respondents to strictly follow the procedure prescribed under law before eviction of the petitioners from the subject land.

Miscellaneous Petitions, if any pending shall stand disposed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J

5th MARCH, 2018.

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