

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION NO.2343 OF 2006

ORDER:

The case of the petitioners herein is that they have been granted pattas in the year 1989, by the revenue authorities after obtaining no objection certificate from the Gram Panchayat, to an extent of Ac.0.01 cents each situated in Sy.No.56/367 of Kothapeta, Vinukonda, Guntur District and they constructed houses in 1997 on the said plots assigned to them and are in peaceful possession and enjoyment of the property. While so, the 2nd respondent-Mandal Revenue Officer, Vinukonda Mandal, Guntur District issued the impugned notice, bearing R.C.No.805/2006-C, dated 24-01-2006 under the Land Encroachment Act for removal of the constructions made by the petitioners in the subject property for the purpose of laying road.

As can be seen from the record, on an earlier round of litigation, the petitioners herein filed W.P.Nos.27779 of 2005 and 206 of 2006 before this Court and the said writ petitions were disposed of directing the respondents herein not to take any coercive steps without following due process of law. Despite the said direction, the 2nd respondent issued the impugned proceedings, is the grievance of the petitioners herein.

It is represented by the Mrs.Krishna Veni, learned Assistant Government Pleader for Revenue, on the basis of the counter-affidavit at para No.4, that in view of the interim order of this Court, the possession of the petitioners are not disturbed and the petitioners are in possession and enjoyment of the land. She further stated that in case the land allotted to the petitioners is required for any public purpose i.e., for laying of road by the 3rd respondent-Vinukonda Municipality, compensation will be paid to the petitioners as per the guidelines stipulated in G.O.Ms.No.1307.

Recording the above said submission, this writ petition is disposed of directing the respondents not to dispossess the petitioners herein from the subject property without following due process of law and if at all the property of the petitioners is required for any public purpose, they shall be compensated even before they are evicted. No costs. As a sequel, the miscellaneous petitions, pending if any, shall stand closed.

T.AMARNATH GOUD, J

Date: 14-06-2018.
TSNR