

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.8557of 2018

ORDER :

Heard the learned counsel for the Petitioners and learned Government Pleader for respondents.

2. It is the case of the petitioners that one S.Thayamma, the mother of the 1st Petitioner and K.Lingam husband of the 2nd petitioner were issued house site pattas in the land situated in Survey No.305/1 in the year 2010. They erected huts in the said sites and living peacefully. While so, the 2nd respondent, initially issued notice on 31.03.2017, directing the petitioners to vacate the said house sites and handover the same.

3. The said notice was challenged in W.P.No.15779 of 2017 and in the said writ petition liberty was given to the petitioners to submit their explanation. Accordingly, the petitioners submitted their explanation on 16.05.2017 to the 2nd respondent. On the same day the 2nd respondent issued another notice, stating that the District Collector passed orders to evict the encroachers in the Government land in Sy.No. 305/3, for construction of buildings for public purpose and instructed the petitioners to vacate and handover the same. The petitioners submitted another explanation dated 19.05.2017 to the said notice. The 2nd respondent appears to have issued another notice on 12.06.2017, stating that after conducting re-survey of the land it was noticed that the houses occupied by the petitioners are in Survey No.305/3. The petitioners submitted their explanation on

14.06.2017 and sent it by registered post with acknowledgement due.

4. Now the present Writ Petition is filed challenging the notices 15.05.2017 and 12.06.2017, issued by the 2nd respondent.

5. Since, the petitioners already submitted their explanation to the said show cause notices, this Court is not inclined to interfere with the jurisdiction of the 2nd respondent. However, if the 2nd respondent did not pass a final order, pursuant to the explanation submitted, the 2nd respondent shall not interfere with the possession of the petitioners. If a final order was already passed, the same shall be communicated to the petitioners forthwith.

6. Since, the petitioners are not aware of any final order, if the final order is adverse to the interest of the petitioners, the same shall not be implemented for a period of 30 days only to enable the petitioners to file an appeal to the said order.

7. In view of the same, the Writ Petition is disposed of. Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

A.RAMALINGESHWARA RAO, J

Dated: 15th March, 2018

JR

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15th March, 2018

JR