

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION Nos.22071 and 11123 of 2017

COMMON ORDER:

Challenging the action of respondents 2 and 3 in trying to demolish the petitioners' houses situated in Kesarapalli Village, W.P.No.22071 of 2017 is filed.

2) Questioning the action of the respondents in not evicting the unauthorized occupants and demolishing the unauthorized construction raised on 60 feet wide road situated from Sundaraiahnagar to national Highway in Kesarapalli village, W.P.No.11123 of 2017 is filed.

3) Since the subject matter in both the writ petitions is similar, they are heard together and disposed of by this common order. The facts and the parties as arrayed in W.P.No.22071 of 2017 will be referred to hereinafter, for the sake of convenience.

4) All the petitioners assert that they have been granted house site pattas in 1996 in various survey numbers, details of which have been mentioned in Para-3 of the writ affidavit. The allegation in the writ affidavit is that, at the instance of the 5th respondent, who is the adjacent land owner, the petitioners are sought to be evicted from their house sites, without following due process of law and without acquiring the land.

5) No counter affidavit is filed by the respondent authorities denying the specific allegations made in the writ affidavit.

6) On the other hand, the written instructions submitted by the 3rd respondent-Tahsildar, Gannavaram Mandal, to the learned Government Pleader for Revenue (AP) indicates that many of the petitioners have been issued house site pattas. Though in the written instructions, it is sought to be made out that the house site pattas were issued in Cheruvu and on

road margins, in the absence of any explanation as to in what circumstances, the house site pattas came to be issued in tank-bed land or on the road margins, the said written instructions can not be taken, on the face value and to that extent, the allegations of the petitioners that the entire action is sought to be initiated at the instance of the 5th respondent cannot be ruled out, particularly, considering the fact that the house site pattas came to be issued in the year 1996.

7) However, considering the specific stand of the respondent authorities that the petitioners will be evicted from the subject land, if it is required for any public purpose, duly following due procedure, recording the said submission, W.P.No.22071 of 2017 is disposed of. It is made clear that the petitioners shall not be evicted from their piece of land, without following principles of natural justice and without following due procedure contemplated therefor.

8) In the light of the above-said observations made in W.P.No.22071 of 2017, no orders are required to be made in W.P.No.11123 of 2017. Accordingly, the same is closed. No order as to costs.

9) Consequently, Miscellaneous Petitions pending, if any, in these Writ Petitions, shall stand closed.

CHALLA KODANDA RAM, J.

Date: 01.02.2018.

Ssv