

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION Nos.960 and 1138 OF 2016

COMMON ORDER:

These writ petitions, under Article 226 of the Constitution of India, is filed by the petitioners to declare the action of the respondents and their subordinates in attempting to interfere with the petitioners possession with respect to the house site bearing Plot Nos.32A and 31A, situated in Sy.No.590/3B of Kalluru Village, Kalluru Mandal, Kurnool District without following due process is illegal, arbitrary and in violation of principles of natural justice.

The petitioners are the beneficiaries of assignment of house site and obtained pattas for the Plot Nos.32A and 31A situated in Sy.No.590/3B of Kalluru Village, Kalluru Mandal, Kurnool District and alleged that the respondents are trying to evict them forcibly without following due process of law.

Learned Government Pleader for Revenue for the State of Andhra Pradesh contended that the pattas produced before the Court by the petitioners are fake and they were not issued by the authority, therefore, the petitioners are trespassers or encroachers of the Government land and prayed to pass appropriate orders.

It is an undisputed fact that the petitioners are in possession of the property either as trespassers or encroachers of the Government Land. Even the Government intending to evict the petitioners, who are in occupation of the property, the Government is bound to follow the procedure prescribed under Land Encroachment Act or under any other law, which governed for removal of such encroachment. Therefore, the respondents are not

entitled to evict the petitioners forcibly, without following due process of law.

In the result, the writ petitions are allowed directing the respondents not to dispossess the petitioners from the possession of Plot Nos.32A and 31A situated in Sy.No.590/3B of Kalluru Village, Kalluru Mandal, Kurnool District without following due process of law subject to genuineness of the pattas allegedly granted in favour of the petitioners. No costs.

The miscellaneous petitions pending, if any, shall also stand closed.

17.04.2018
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JUSTICE M. SATYANARAYANA MURTHY