

THE HON'BLE SRI JUSTICE P.KESHA VA RAO

WRIT PETITION No.11889 OF 2009

ORDER:

Heard the learned counsel appearing for the petitioner.

In this writ petition, the petitioner is challenging the action of the respondents 1 to 3 in demolishing his house to a portion of 16 feet x 20 feet bearing D.No.13-138, 2nd street, Vinayaka Nagar, Renigunta, Chittoor District.

The respondents 1 to 3 filed a counter affidavit stating that the petitioner has encroached the Railway land by constructing a portion of the building. In fact, the respondents, several times, advised the petitioner to vacate the Railway land. The petitioner has constructed a house, which is existing in Sy.No.776/B. It is also seen from the land plan No.PG/173, Sy.No.776/B that 50% of the constructed house is in the Railway land. Therefore, the respondents have decided to evict the petitioner from the encroached Railway land. In the said process, the respondents have demolished the structures existing in the encroached portion by following due process of law.

During the course of hearing, the learned counsel appearing for the petitioner seeks permission of this Court to withdraw the writ petition giving liberty to the petitioner to seek appropriate remedy before the competent civil Court.

Acceding to the request of the learned counsel for the petitioner, the writ petition is dismissed as withdrawn giving liberty to the petitioner to pursue civil remedies available under law. No costs.

Pending miscellaneous petitions, if any, shall stand closed.

P.KESHAVA RAO,J

08th NOVEMBER 2018.

Tsr

