

**THE HON'BLE SRI JUSTICE P. NAVEEN RAO**

**WRIT PETITION No.40682 OF 2018**

Date:26.11.2018

Between:

Dalu Mahesh, S/o. Dalu Venkateswarlu,  
Aged about 40 years, R/o. Devanur  
Village, Midthur Mandal, Kurnool District .. Petitioner

And

The State of Andhra Pradesh, rep., by  
its Principal Secretary to Government,  
Panchayat Raj Department, Secretariat  
Buildings, Velagapudi, Amaravathi,  
Guntur District and others .. Respondents



**The Court made the following:**

**THE HON'BLE SRI JUSTICE P. NAVEEN RAO**

**WRIT PETITION No.40682 OF 2018**

**ORDER:**

Heard learned counsel for petitioner; learned Government Pleader for Panchayat Raj appearing for respondents 1 to 3 and learned Standing Counsel for Gram Panchayat appearing for respondent No.4.

2. Petitioner claims that his father constructed a hut in Survey No.140/4AC and 149 to an extent of Ac.0.01 cent in Devanur Village, Midthur Mandal, Kurnool District, in which petitioner is running a tea shop, whereas the respondents are trying to dispossess the petitioner.

3. Earlier, father of the petitioner filed W.P.No.9531 of 2012 alleging that the respondents were trying to remove the hut in the said survey number. The Court by order dated 04.04.2012 directed both the parties to maintain *status quo*. The Writ Petition was disposed of by order dated 24.01.2017 with the following directions:

“... Having regard to these circumstances, to meet the ends of justice, I am satisfied, if the Writ Petition is disposed of by this order:

- i. Interim order granted on 04.04.2012 is made final order in the Writ Petition; and
- ii. The third respondent, if requires petition land, is given liberty to issue notice to the petitioner, afford opportunity and proceed in accordance with law.”

4. Petitioner now alleges that he is sought to be dispossessed from the subject land without following due process as directed by this Court. The material on record would disclose that a show

cause notice was issued on 19.09.2018 to several persons including the petitioner to remove the temporary sheds within three days.

5. As can be seen from the show cause notice, it is a general notice issued, whereas in the order of this Court in W.P.No.9531 of 2012, safeguards were given in favour of petitioner before removing him from the subject property.

6. Learned Standing Counsel for respondent No.4 would also fairly submits that the petitioner is given protection by the Court and there is no need to institute a fresh Writ Petition.

7. In view of the earlier order of this Court, which sufficiently protects the interests of the petitioner insofar as the property covered by the earlier order of this Court, no further orders are required to be passed in the present Writ Petition. It is needless to observe that the respondents are required to comply with the directions issued by this Court in W.P.No.9531 of 2012.

8. With the above observations, the Writ Petition is disposed of. Pending Miscellaneous Petitions, if any, shall stand closed.

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**P. NAVEEN RAO, J**

Date:26.11.2018

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