

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.7695 of 2019

ORDER:

Heard learned counsel for the petitioner, Learned Government Pleader for Roads and Buildings for respondents 1 to 3 and learned Government Pleader for Revenue for respondents 4 and 5.

2. This writ petition is filed seeking to declare the action of the 2nd respondent in interfering with the house property bearing H.No.4-239 and 240 in Sy.Nos.479 and 480, situated at Old Check Post, Pedda Amberpet Village, Abdullapur Mandal, Nalgonda District, as illegal and arbitrary.

3. The petitioner asserts that he is a retired Government employee and is residing in the aforesaid house property for the past 7½ years. He further asserts that the 2nd respondent repeatedly came to his house and insisted him to dismantle the construction in the said house stating that the land belongs to the Roads and Buildings Department. He further asserts that the respondents have not shown any proof that the land belongs to the Roads and Buildings Department. He also asserts that no notice was issued to the petitioner.

4. Learned counsel for the petitioner, while making reference to the averments in the affidavit, would submit that if the respondents desire to evict the petitioner from the alleged encroachment, they shall follow due process in accordance with law.

5. Learned Government Pleader would submit that as the petitioner is squatting on the public property obstructing free flow of traffic, the respondents have cautioned him to vacate the said place.

6. Having regard to the respective submissions, the argument of the learned counsel for the petitioner that the respondents have not shown any evidence that the land belongs to the Roads and Buildings Department, is untenable. However, when it is admitted that the petitioner is in possession of a particular piece of land, the respondents have to take steps either under the Land Encroachment Act or initiate appropriate proceedings in accordance with law for eviction of the petitioner.

7. In those circumstances, admittedly, as on date, no proceedings have been initiated against the property of the petitioner, it is open to the respondents to initiate appropriate proceedings in accordance with law to evict the petitioner from the alleged encroachment, if any.

8. Accordingly, the Writ Petition is disposed of. However, it is made clear that without following due process of law, the respondents shall not interfere with the alleged possession of the petitioner in the subject property. No order as to costs.

9. Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

CHALLA KODANDA RAM, J

12th April, 2019
sj