

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.8140 of 2019

ORDER:

The petitioners challenge the notice dated 24.01.2019. It is their assertion that they are in possession of the subject land and are living there since long time, and the respondents are threatening to dispossess them, without following due procedure prescribed in law or by initiating proceedings under the Land Encroachment Act. It is also their assertion that only petitioners 1 and 2 have been issued with notices, and notice was issued on others.

Heard learned counsel for the petitioners, and learned Government Pleader for 2nd respondent-Municipality.

The learned Government Pleader submits that only petitioners 1 and 2 have submitted their replies to the notices issued to them; and so far as others are concerned, the 2nd respondent is in the process of issuing notices. He further submits that necessary action would be taken by following due process, and if the petitioners are in possession, the same will not be disturbed without following due process of law.

Having regard to the submissions made, and as it is only the assertion of the petitioners, at this stage, that they are in possession, which fact is required to be verified by the respondent authorities, the writ petition is disposed of with a direction to the respondent authorities to follow due process in the event of dispossessing the petitioners, if they are really found to be in possession of the subject land. No costs. Miscellaneous petitions, if any pending, shall stand closed.

JUSTICE CHALLA KODANDA RAM

17th April, 2019
KSM

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