

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NOS.14384, 14398, 14400 AND 14414 OF 2019

COMMON ORDER

Impugned notices issued by the 4th respondent – South Central Railways represented by its Senior Section Engineer (P.Way), Nizamabad, in all the writ petitions, reads as under:

“As per Court order dated 19-04-2017 the unauthorised structures in Railway premises will be removed on 13-07-2019.”

Aggrieved by the said notices, the present writ petitions have been filed.

Heard Sri T.V.Kalyan Singh, learned counsel for the petitioners and Sri Peri Prabhakar, learned Standing Counsel for respondent - Railways.

From the material on record, it could be seen that earlier when the respondent – Railways, initiated proceedings under Section 5(1) of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, the writ petitioners herein, along with others, filed W.P.No.6976 of 2017 and batch, and the learned single Judge, by common order dated 19.04.2017, relegated the parties to avail alterantive remedy of appeal within a period of thirty days from the date of the order, and the respondents were directed not to take any coercive steps for a period of forty five days, and it was further made clear that if no such appeal is filed within the period specified, respondents were at liberty to take appropriate action in accordance with law. Challenging the common order, writ petitioners in W.P.Nos.7003, 7278 and 7371 of 2017, filed appeals in W.P.Nos.712, 713 and 714 of 2017. The Division Bench, by common order dated 15.06.2017, while confirming the order of the learned single Judge, noticing that the time granted by the learned Single Judge to file appeal expired on 04.06.2017, and in the light of the submissions of the learned Standing Counsel for Railways, permitted the petitioners to avail the statutory remedy of appeal on or before 04.07.2017, and

directed the respondents not to take any coercive steps for eviction till 20.07.2017. The order of the Division Bench attained finality.

Therefore, against the impugned action of eviction, the petitioners, who were parties to the earlier writ petitions, were permitted to file appeal before the appellate authority, on or before 04.07.2017, and till 20.07.2017, respondents were directed not to take any coercive steps for eviction, enabling the petitioners to file appeals within the period specified.

As the petitioners failed to file any appeal before the appellate authority within the period specified, the respondents issued the impugned notices to remove the unauthorised structures in the railways premises.

Without availing the appellate remedy within the specified period, as per the orders of the learned Single Judge, and as confirmed by the Division Bench, which are referred to above, the petitioners, who were parties to the earlier proceedings, again filed the present writ petitions assailing the eviction, which was admittedly resorted to as per the directions of this court. Hence, no exception can be taken to the impugned notices, and filing of the writ petitions is nothing but abuse of process of law.

Hence, I do not find any merits in the writ petitions and they are accordingly dismissed at the stage of admission.

Interlocutory applications pending, if any, shall stand closed. No order as to costs.

A.RAJASHEKER REDDY,J

DATE|12—07—2019

AVS