

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD  
(Special Original Jurisdiction)

TUESDAY, THE SECOND DAY OF JUNE  
TWO THOUSAND AND NINE

PRESENT  
**HON'BLE Mr. JUSTICE R.SUBHASH REDDY**  
**WRIT PETITION No.9238 of 2003**

**Between:**

- 1      Mudraboina Narsamma, W/o.Sriramulu,  
         R/o.New Paloncha, Khammam District.
- 2      Daram Narsiah, S/o.Muthaiah,  
         R/o.New Paloncha, Khammam District.
- 3      Siddela Venkateswarlu, S/o.Gopiah,  
         R/o.New Paloncha, Khammam District.
- 4      Bollepogu Appa Rao, S/o.Ramulu,  
         R/o.New Paloncha, Khammam District.
- 5      Pembula Veeraswamy, S/o.Lakshminarayana,  
         R/o.New Paloncha, Khammam District.
- 6      Konda Seetaramulu, S/o.Venkiah,  
         R/o.New Paloncha, Khammam District.
- 7      Konda Yedukondalu, S/o.Venkiah,  
         R/o.New Paloncha, Khammam District.
- 8      Boppi Pentiah, S/o.Pulliah,  
         R/o.New Paloncha, Khammam District.
- 9      Pembula Sreenu, S/o.Nagaiah,  
         R/o.New Paloncha, Khammam District.
- 10     Garlapati Babu, S/o.Venkiah,  
         R/o.New Paloncha, Khammam District.
- 11     Siddela Krishna, S/o.Gopiah,  
         R/o.New Paloncha, Khammam District.
- 12     Mududani Satyanarayana, S/o.Samudralu,  
         R/o.New Paloncha, Khammam District.
- 13     Sheelam Koteswari, W/o.Nageswara Rao,  
         R/o.New Paloncha, Khammam District.
- 14     Bollam Bhadraiah, S/o.Venkiah,  
         R/o.New Paloncha, Khammam District.
- 15     Yellamalla Lingiah, S/o.Ramaiah,  
         R/o.New Paloncha, Khammam District.
- 16     Barigalla Padma, W/o.Raju,  
         R/o.New Paloncha, Khammam District.

- 17 Surugula Chandrasekhar, S/o.Ramulu,  
R/o.New Paloncha, Khammam District.
- 18 Uppelli Babu, S/o.Papiah,  
R/o.New Paloncha, Khammam District.
- 19 Siddela Sanjeevi, S/o.Gopiah,  
R/o.New Paloncha, Khammam District.
- 20 Katti Keshavulu, S/o.Nagulu,  
R/o.New Paloncha, Khammam District.
- 21 Veeramshetti, S/o.Subba Rao,  
R/o.New Paloncha, Khammam District.
- 22 Giddaluri Pandu, S/o.Nimalaiah,  
R/o.New Paloncha, Khammam District.
- 23 Bommena krishna kumari, D/o.Venkateswarlu (Late),  
R/o.New Paloncha, Khammam District.
- 24 Kotta Sidda Reddy, S/o.Chandra Reddy,  
R/o.New Paloncha, Khammam District.
- 25 Kotta Chandra Reddy, S/o.Venkat Reddy,  
R/o.New Paloncha, Khammam District.
- 26 Garlapati Lakshmi, W/o.Pentiah,  
R/o.New Paloncha, Khammam District.
- 27 Lakavath Sreenu, S/o.Biksham,  
R/o.New Paloncha, Khammam District.

**... PETITIONERS**

**AND**

- 1 Asst. Executive Engineer, Civil, O & M, B'Camps,  
Kothagudem Thermal Power Station, Paloncha,  
Khammam District.
- 2 Municipality, Rep. by its Commissioner,  
Paloncha, Khammam District.
- 3 Mandal Revenue Officer,  
Paloncha, Khammam District.
- 4 District Collector,  
Khammam District.

**...RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of Mandamus, declaring the Memo.No.AEE/CO&M/B.Camps/F.No.10/D.No.1569/03, dt:7.1.2003 of the 1st respondent herein and also the action of the respondents herein in trying to evict the petitioners herein from the huts they have constructed on the land adjacent to Pandurangapuram Road, and

abutting the compound wall of Staff Quarters of Kothagudem Thermal Power Station, Bollurugudem area of Paloncha Town, Khammam District as illegal, arbitrary, unreasonable, without authority of law, and contrary to law and issue a consequential direction to the respondents herein not to give effect to the said Memo and further direct the respondents herein not to evict the petitioner herein from their above said huts.

**Counsel for petitioners : Mr. M. Rajamalla Reddy**

**Counsel for respondents: Mr. K. Chidambaram (SC FOR AP GENCO)**

The Court made the following

**Order:**

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This writ petition is filed challenging Memo No.AEE/COSM/B' camps/F.No.10/D.No.1569/03 dated 07-01-2003 issued by the first respondent for removal of encroachments from the premises of Kothagudem Thermal Power Station, Bollurugudem of New Paloncha, Khammam District.

2. In the affidavit filed in support of the writ petition, it is stated that the petitioners herein had constructed huts in an area of 1 gunta each in the land adjacent to Pandurangapuram road and abutting the compound wall of staff quarters of Kothagudem Thermal Power Station and have been residing there since the last 30 years. It is stated that the impugned memo has been issued, based on the complaint made by the occupants of the colony, asking the owners of pan shops, tea bunks, hotels and other shops to remove encroachments made by them.

The case of the petitioners is that the said memo is not applicable to their case since they are owners of residential huts and not owners of pan shops, hotels, shops etc.

3. Though the impugned memo is questioned on several other

grounds, but, in the counter affidavit filed on behalf of the first respondent, it is stated that the impugned memo is not applicable to the petitioners and the same is issued with regard to the encroachments in front of KTPS Hospital and no steps were contemplated for eviction of the petitioners.

4. In view of the aforesaid statement made by the first respondent in the counter affidavit, I dispose of the writ petition directing the respondents not to take any steps against the petitioners herein pursuant to the impugned memo. However, this order will not preclude the respondents from taking appropriate action against the petitioners in case they are found to have made any encroachments in the premises in question. No order as to costs.

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**R. SUBHASH REDDY, J.**

June 2, 2009

**MRR**

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1) 2 CD copies

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