

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

TUESDAY, THE THIRTY FIRST DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE A.GOPAL REDDY
WRIT PETITION NO : 962 of 1993

Between:

- 1.Parshi Venkatesh s/o Lingaiah
2. Parsha Shankar s/o Lingaiah
3. Gilla Laxmaiah s/o Lachaiah
4. Kannuri Ravi s/o Ellaiah
5. Kunmilla Sadaiah s/oUppalaiah
6. Baisa Rajender s/o Komuraiah
7. Racha Agamallaiah s/o Rajaiah
8. Vemula Murali s/o Venkataiah
9. Kakoti Laxmi w/o Mallaiah
10. Katkuri Ellaiah s/o Posham
11. Gorupati Narasaiah s/o Mallaiah
12. Mandala Ramesh s/o Mallaiah
13. Ram Satyanarayana s/o Sriram Murthy
14. Tadaboina Ramesh s/o Lingaiah
15. Erva Saroja s/o Rajaiah
16. Tadaboina Venkati s/o Maisaiah
17. Cippala Prabhakar s/o Narsaiah
18. Erva Krishna Murti s/o Rajamallu
20. Diviti Anand s/o Laxminarasaiah
21. Dande Rajaiah s/o Mallaiah
22. Katam Srinu s/o Venkati
23. Katam Ravi s/o Venkati
24. Meragoni Rajaiah s/o Venkati
25. Meragani Poshamallu s/o Mallaiah
26. Meragoni Ravi s/o Mallaiah
27. Meragoni Rajamallu s/o Mallaiah
28. Gunda Jyothi s/o Ramulu
29. Madavaveni Kishan so Rajaiah
30. M.Rajam s/o Pullaiah
31. Gadam Viraiah s/o Elaiah
32. Gadam Krishna s/o Viraiah
33. Gadam Babu Rao s/o Viraiah
34. Tangella Mallaiah s/o Narasaiah
36. Mukkiral Pandu s/o Rajeswar Rao
37. Shivaji s/o Bondaiah
38. Madela Srinivas s/o Nambaiah
39. Kalakota Jyogaraju s/o Mallaiah

40. Bokka Srinivas s/o Naganna
41. Pondi Elisha s/o Prakasham
42. Ramanna s/o Rajalingu
43. Tipparapu Ramulu s/o Mallaiah
44. Tipparapu Rajeswara Rao s/o Ramulu
45. Adapa Kamsalya s/o Rajaiah
46. K.Prasad s/o Mallaiah
47. Tadaboina Rajaiah s/o Darmaiah
48. Gidula Rajaiah s/o Lingaiah
49. Gidula Samaiah s/o Lingaiah
50. Madaraveni Ramchander s/o Rajam
51. Bandari Rajkumar s/o Chandraiah
52. Gangirala Venkatesham s/o Laxmaiah
53. Madaraveni Hanmanthu s/o Durgaiah
54. Akula Chandraiah s/o Mallaiah
55. Vemula Mallesham s/o Narayana
56. Total Mondaiah s/o Rajaiah
57. Arepally Lingaiah s/o Mandaiah
58. Naini Narsimhareddy so Raji Reddy
59. Gangirala Prabhakar s/o Laxmaiah
60. Arelli Shankar s/o Ellaiah
61. Arugurala Rajamallu s/o Sailu
62. D. Prasad s.o Ellaiah
63. Anagi Komuraiah s/o Pullaiah
64. Vemula Rajaiah s/o Banaiah
65. Merugu Chandrashekar s/o Venkati
66. Angali Ramaiah s/o Balaiah
67. Bandi Odelu s/o Balaraju
68. Vallakonda Mandunaiah s/o Odelu
69. Gorre Ramaiah s/o Komuraiah
70. Edunu Rajamallu s/o Buchaiah
71. Ngula Malya Shankaraiah s/o Rajveer
72. N.M.Ravinder s/o Nagalingam
73. Gedula Santhosh s/o Chandraiah
74. Odelu s/o Mallaiah
75. Dasari Chandramouli s/o Ramulu
76. Mandepalli Sataiah s/o Machagiri
77. Mandepalli Venkataiah s/o Machagiri
78. Madaraveni Venkataiah s/o Durgaiah
79. R.Laxmaiah s/o Mallaiah
80. G.Upender s/o Rajaiah
81. Pullam Raju s/o Swami
82. Sathish s/o Vasavaraj
83. Eshwar Rao s/o Muttaiah
84. Manamma d/o Muttaiah
85. Gumula Narsaiah s/o Buchaiah
86. Salakula Ramlingu s/o Rajaiah
87. G.Veeresham s/o Badraiah
88. Sudhakar s/o Laxmaiah
89. Eddu Ramaswami s/o Boomaiah
90. Erregolla Komuraiah s/o Onnaiah

91. S.Chakrapani s/o Venkataiah
92. B.Rajesham s/o Mallaiah
93. A.Srinivas s/o Posham
94. K.Yellaiah s/o Posham
95. S.Rajaiah s/o Rajaiah
96. E.Parswathalu s/o Onnaiah
97. Pedda boina Venkataiah s/o Kattaiah

(All are residents of Rameshnagar, Tilaknagar Area, Jangaon Village,
Ramagundam Mandal, Karimnagar District.

..... PETITIONERS

AND

- 1.The Chief General Manager, Singareni Collieries Co., Ltd.,
Bellampally division, Bellampally, Adilabad District.
2. The Mandal Revenue Officer, Ramagundam Mandal, Karimnagar
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 will be pleased to issue a writ, order or direction particularly one in the nature of Mandamus declaring the action of the respondents herein in initiating steps to demolish the houses of the petitioners and to evict them from Sy.Nos.614, 619 of Rameshnagar, Tilaknagar Area of Jangaon Revenue Village of Ramagundam Mandal of Karimnagar District as arbitrary, illegal and violative of the Principle of Natural Justice.

Counsel for the Petitioner: MR.B.NARAYANA REDDY, Advocate.

Counsel for the respondent No.1: Mr. K.Srinivasamurthy, Standing

**Counsel for Singareni
Collieries.**

For the Respondent No.2: GP FOR REVENUE

The Court made the following:

ORAL ORDER:

Petitioners, who claim to be the landless poor persons constructed their houses in Rameshnagar, Jangaon village, Ramagungam Mandal, Karimnagar District in the year 1980 and continues to be in possession of the same, filed the present writ petition complaining that the respondents without following due procedure initiated action for demolition of the houses and trying to evict them from the houses in their respective occupation.

In opposition of the writ petition, respondents filed a counter stating that the respondent-Collieries purchased Ac.12.33 gts. of private land in Sy.No.614 of Jangaon Village through private negotiations from one Mr. Mohd. Sarwar S/oAfzal and also purchased Ac.11.39 gts. in Sy.No.619 of Jangaon Village from Mr Laxmaiah and since then they are in possession of the said property. It is denied that

petitioners constructed houses and living therein since more than 30 years. It is stated that in a portion of the land purchased in above survey numbers, the company had already constructed quarters for the purpose of employees and the rest of the land is vacant. The remaining land company wants to convert into plots to its employees. When the petitioners with the help of antisocial elements trying to grab the company's property, company laid a complaint before the local police, against the antisocial elements to curb the same. Against the same, petitioners' filed the present writ petition and this court granted interim stay on 03-02-1993. Taking advantage of the interim order passed by this court, petitioners are making illegal constructions and they have no right to continue in their occupation over the land and prayed for dismissal.

When the writ petition was taken up for hearing, none appears for the petitioners as well as respondents. I have gone through the material available on record.

Having regard to the fact that this Court granted interim stay on 03-02-1993, if there are any constructions put up by the petitioners, they should not be disturbed, and time and again it is held by this Court that even if an encroacher is entitled for notice for due eviction and only after following due procedure, they can be evicted. If any of the encroachments made by the petitioners over the land belongs to the respondent-Company, it is open for them to initiate such of the proceedings for due eviction of the same. Only after following the procedure such encroachments, if any, can be removed.

The writ petition is accordingly disposed of. No costs.

A.GOPAL

REDDY,J
Dt. 31-8-2004
MURTHY/KMR

//True Copy//

ASSISTANT

REGISTRAR

To

- 1.The Chief General Manager, Singareni Collieries Co., Ltd.,
Bellampally division, Bellampally, Adilabad District.
 2. The Mandal Revenue Officer, Ramagundam Mandal, Karimnagar
District
 3. Two CCs to the Govt. Pleader for Revenue, High Court Buildings,
Hyderabad (OUT)
- 2.Two CD copies.