

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTY FIRST DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V. ESWARAIAH

-

WRIT PETITION NO : 11750 of 2005

Between:

- 1 T. Krishna, S/o. T. Venkatanna,
R/o. 46/791, H 18, "A"Camp, Kurnool.
- 2 B. Ramajaneyulu, S/o. T. Krishna,
R/o. 46/791, H.18, "A" Camp, Kurnool.
- 3 T. Raghavendra, S/o. T. Krishna,
R/o. 46/791, H. 18, "A" Camp, Kurnool.

..... PETITIONERS

AND

- 1 The District Collector, Kurnool.
- 2 The Municipal Commissioner, Kurnool.
- 3 The District Manager, A.P. Housing Board Corporation,
Kurnool.
- 4 The Mandal Revenue Officer, Kurnool Mandal, Kurnool.

.....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 a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents who are initiating to demolish my dwelling house situated in Sy.No. 251 measuring 2.75 cents without following due process of law as illegal, arbitrary, and contrary to principles of natural justice.

Counsel for Petitioners: MR. VINAY KAMISSETTY

Counsel for Respondents: GP FOR REVENUE

The Court at the stage of admission made the following:

ORDER:

Heard both the Counsel.

It is stated that the petitioners 2 and 3 are the sons of the first petitioner. The first petitioner was assigned the land to an extent of 2.75 cents in Survey No.251 situated in Budhavarapet, Kurnool town, by the Mandal Revenue Officer, Kurnool-4th respondent vide proceedings in Rc.395/94-B, dated 31-12-1994. Pursuant to the same, the petitioners have constructed a house and are living in the said house. While so, the respondents without issuing any notice and without following the due process of law, are threatening to demolish the dwelling house of the petitioners situated in the said land and thereby trying to dispossess them from the said land.

This Court held in a number of cases that the authorities cannot dispossess the petitioners or demolish their houses without following the due process of law. Having regard to the facts and circumstances of the case, the respondents are directed not to dispossess the petitioners or demolish their house without following the due process of law.

The Writ Petition is disposed of accordingly. No costs.

V. ESWARAIAH, J

31st May, 2005.

Note: Issue C.C. in two days.

B/o.

Ak/Glv

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1 The District Collector, Kurnool.
- 2 The Municipal Commissioner, Kurnool.
- 3 The District Manager, A.P. Housing Board Corporation,
Kurnool.
- 4 The Mandal Revenue Officer, Kurnool Mandal, Kurnool.
- 5 Two CCs to the Government Pleader for Revenue,

High Court Buildings, Hyderabad (OUT).

6 Two CD copies.