

**THE HON'BLE SRI JUSTICE V. ESWARAIAH**

**WRIT PETITION NO. 6506 of 2006**

—

**Dated: 31-03-2006**

Between:

Pothu Venkamma and another.

..Pettioners.

and

The District Panchayat Officer, West Godavari District, Eluru and others.

..Respondents.

**THE HON'BLE SRI JUSTICE V. ESWARAIAH**

**WRIT PETITION NO. 6506 of 2006**

**ORDER:**

-

This petition is filed seeking a writ of mandamus to declare the action of the respondents in directing the petitioners to vacate their house and site properties bearing assessment Nos. 2003 and 2005 and door No.11-130 and

11-132 respectively in Sy.No.206/3 of Parimipudi village, as illegal and arbitrary.

The case of the petitioners is that they are the absolute owners and possessors of the thatched houses bearing Nos.11-130 and 11-132, admeasuring 200 square yards each in Sy.No.206/3 bearing assessment Nos. 2003 and 2005 situated at Parimipudi village, Koyalaguda Mandal, West Godavari District. It is stated that the said properties are the ancestral properties and they are in continuous possession and enjoyment of the same since a long time and they are also paying tax to the Gram Panchayat and electricity charges. But, respondents 2 and 3, without any justification whatsoever, are taking steps to evict the petitioners from the said houses. Even in respect of the Grama Kantam or the poramboke land, the petitioners are eligible for assignment of the said lands under the provisions of Standing Order 21 of the Andhra Pradesh Board of Revenue Standing Orders.

The question as to whether the land in question vests with the Government or with the Gram Panchayat or whether they pertain to the private individuals, is the matter to be decided by the authority concerned, but not in this writ proceedings.

In this view of the matter and in the facts and circumstances of the case, without expressing any opinion on the merits of the case, I feel it appropriate to direct the respondents not to evict the petitioners from the house and vacant site properties in question without following due process of law.

Accordingly, the Writ Petition is disposed of. No order as to costs.

---

31-03-2006

