

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.19346 of 2012

ORDER:

Heard the learned counsel for the petitioners and the learned counsel for the respondent Nos.1 and 2.

2. In this Writ Petition, the petitioners' grievance is that the respondents are attempting to demolish the residential houses of the petitioners situated in their private lands without issuing any notice and without following due process of law.

3. They contend that the petitioner Nos.1 and 2 are assignees from the Government under pattas issued by the Tahsildar, Akiveedu Maldal, West Godavari District dt.25-01-1999 and they constructed houses after obtaining financial assistance from the Government under the Indiramma Scheme while the petitioner Nos.3 and 4 have built houses in their ancestral property.

4. According to the petitioners, the house of the petitioner Nos.1 and 2 is to the Northern side of the drinking water tank called Zamindaru Vari Cheruvu while the houses of the petitioner Nos.1 and 2 are situated on the Southern side of the tank and that in the guise of digging and widening of the tank, 3rd respondent threatened to evict the petitioners forcibly.

5. In the counter affidavit filed by 3rd respondent, 3rd respondent stated that it would follow due process of law for removal of encroachments made by the petitioners since such encroachments are alleged to be in the drinking water tank land.

6. There is no provision in the Gram Panchayat Act empowering the Gram Panchayat to take steps to evict encroachments on the tank bund land. Therefore, the 3rd respondent has to file a civil suit for the petitioners' eviction.

7. In this view of the matter, the Writ Petition is disposed of directing the respondents not to evict the petitioners from the lands in their occupation without following the due process of law as set out above. No costs.

8. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 29-02-2016

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