

HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO

WRIT PETITION No.11474 of 2023

ORDER:

The petitioners have approached this Court being aggrieved by the action of the respondents in seeking to evict the petitioners from the shops in their possession and to demolish the said shops situated in Sy.No.945 of Peapully Village and Mandal, Nandyal District.

2. The learned Government Pleader for Roads and Buildings, on instructions, submits that the Roads and Buildings Department is not involved in any attempt to remove the petitioners and no steps were taken by the Roads and Buildings Department in this regard.

3. Sri G.Venkata Reddy, learned Standing Counsel for respondent No.3, on instructions, submits that the petitioners are not in legal possession of the land in their occupation and that the possession pattas produced by the petitioners do not confer any title on the petitioners as no survey numbers have been given in the said possession

pattas to fix the location of the land that is said to have been given to the petitioners.

4. The learned counsel for the petitioners would submit that the boundaries given in the possession certificate would be sufficient to localize the land given to the petitioners.

5. The rival submissions make it clear that the petitioners are in possession of the land on which their shops are situated. However, the contention of respondent No.3 is that the said shops are actually an encroachment on the road margin cannot be rejected by this Court at this stage.

6. In the circumstances, it would only be appropriate that this dispute as to whether the petitioners are in lawful possession of the bunks in which they are doing business or not is a question which would have to be determined by respondent No.3 after due notice and opportunity being given to the petitioners.

7. Accordingly, this writ petition is disposed of with the following directions:-

- i. Respondent No.3 shall issue notice under G.O.Ms.No.188 dated 21.07.2011 calling upon the petitioners to show cause why they should not be evicted from the land and the structure they are in possession.
- ii. The petitioners shall be given an opportunity of placing the documents and other material available to them to show cause why they should not be evicted. It would also be open to the petitioners to take all objections available to them under law.
- iii. Respondent No.3 after due opportunity being given to the petitioners shall pass necessary orders after giving an opportunity of hearing to the petitioners.

8. Needless to say, no coercive steps shall be taken against the petitioners till said exercise is completed. There shall be no order as to costs.

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

R. RAGHUNANDAN RAO, J

03.05.2023

RKS