

THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION.No.3246 of 2023

ORDER:-

This Writ Petition is filed under Article 226 of the Constitution of India for the following relief:-

"To issue any writ, order or direction more particularly one in the nature of Writ of Mandamus by declaring the action of the respondent No.4 in forcibly dispossessing the petitioners from the small houses in Sy.No.4-7A, 4-7B, 4-8A and 4-8B situated at Rajeev Colony Panchayat, Rajeev Colony, Ananthapuramu Town and District as illegal and arbitrary and consequently direct the respondents not to evict the petitioners from the small houses in Sy.No.4-7A, 4-7B, 4-8A and 4-8B situated at Rajeev Colony Panchayat, Rajeev Colony, Ananthapuramu Town and District and also direct the respondents to consider the representation of the petitioners for granting house sites in the Sy.No.4-7A, 4-7B, 4-8A and 4-8B situated at Rajeev Colony Panchayat, Rajeev Colony, Ananthapuramu Town and District and to pass such order or orders as this Hon'ble Court may deems fit..."

2. The petitioners herein, have a small house, and they have inducted into possession with the permission of the Tahsildar in Sy No.4-7A, 4-7B, 4-8A and 4-8B situated at Rajeev Colony Panchayat, Rajeev Colony, Ananthapuramu Town and District., and now the respondents without any notice and without following due procedure of the Law are trying to acquire their respective houses, is the grievance of the petitioners herein.

3. Learned Assistant Government Pleader on written instructions filed some photographs and also stated that the petitioners have wrongly furnished the survey numbers to the Court, the petitioners herein, have occupied the land in Sy No.4 admeasuring Ac.3.19 cents, which is

classified as Government (dotted) land as per the RSR of Ananthapuramu Rural village, Ananthapuramu Mandal and the Revenue Officers have visited the land and stopped the illegal construction in order to protect the Government Lands and also stated the photographs filed by the petitioner are not related to the land in dispute, they related to photographs of some third parties and to make belief and in order to establish that there are permanent structures, that the petitioners herein filed photographs not related to the disputed site. And on inspection of the subject land there are no permanent structures existed in the land and there are only temporary huts, which are erected during last week. Photographs filed by the respondents herein, is not clear and visible.

4. At this juncture, the Counsel for the petitioners would submit that the petitioners made a representation to the Tahsildar on 12.01.2023 and requested to direct the 4th respondent to dispose of the representation, that if it would be suffice for redressal of grievance of the petitioners.

5. Considering the submissions made by both the Counsel, while accepting the request made by the petitioners herein, the Writ Petition is disposed of directing the 4th respondent to examine and pass appropriate orders on the representation dated 12.01.2023 made by the petitioners herein, in accordance with Law. Till the disposal of the representation, the petitioners are protected from being dispossessed from the subject property

of the Writ Petition and the respondents are directed not to interfere with their possession.

6. With the above said directions, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous Petitions pending, if any, shall stand closed.

Date: 09.02.2023
GVK

JUSTICE TARLADA RAJASEKHAR RAO

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