

(2014) 10 AP CK 0099

In the Andhra Pradesh High Court

Case No : Writ Petition Nos. 26473, 26608 and 27004 of 2014

P. Saraiah

APPELLANT

Vs

The State of Telangana

RESPONDENT

Date of Decision : 08-10-2014

Acts Referred:

Citation : (2015) 3 ALD 87

Hon'ble Judges : Nooty. Ramamohana Rao, J

Bench : Single Bench

Advocate : R.A. Chary, Advocate for the Appellant

Judgement

Nooty Ramamohana Rao, J.—These three Writ Petitions can be disposed of as the relief sought for in all the cases is identical.

2. The petitioners raised an objection against the alleged unilateral dispossession attempted by the respondents. Learned counsel for the petitioners would urge that even if the petitioners are found to be encroachers on to a public property, the respondents are required to take action in accordance with law, but they cannot act on unilateral basis and seek to dispossess the petitioners high-handedly.

3. Per contra, learned Government Pleader for Revenue (Telangana) would submit that the respondents are not at all interested in taking any unilateral action against the petitioners and on the other hand, they have taken steps by calling for a detailed report from the Tahsildar, Hanamkonda as to whether there was any encroachment of Nala, which vests in the government, by the petitioners and only when the inspection carried out by the Tahsildar revealed such encroachment of the government nala, steps are now being taken to put the petitioners on notice and after following the due process of law only, an order of eviction will be passed.

4. In view of the statement made by the learned Government Pleader for Revenue that the respondents are interested in acting in accordance with law and

also complying with the principles of natural justice by putting the petitioners on notice and providing them an opportunity of hearing, these Writ Petitions can be disposed of leaving it open to the respondents to proceed against the petitioners strictly in accordance with law for ensuring that all unauthorized and illegal encroachments are removed and the government nala is restored.

5. It is time that the State Government should also evolve a policy measure so that the local bodies and statutorily-established Corporations will not be parting with their valuable properties, in favour of their employees, without at least securing clearance from the State Government and any such disposal must be routed in public interest only. Otherwise, the Corporations would go on acquiring immovable properties and make huge investments for their improvement and would be parting them away for pittance of a consideration towards their employees. This process cannot result in bountiful of benefits to be conferred upon the employees, who get paid monthly for the services rendered by them to the Corporation concerned. This apart, if any Corporation or statutory body notices that any of its employees have encroached upon the properties belonging to the said Corporation, major disciplinary action should also be initiated against such employees for their failure, to protect the interests and properties of the Corporation and attempting to appropriate the properties of the Corporation.

6. With this order, all the Writ Petitions stand disposed of. No costs.

7. Consequently, the miscellaneous applications, if any shall also stand disposed of.