

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

W.P.No.27276 of 2015

ORDER:

The petitioner claims that she belongs to Scheduled Caste Community. Petitioner is in possession and enjoyment of a residential house with asbestos roof in the land to an extent of 97 sq.yards in R.S.Nos.808 and 809 of Venkatapuram Gram Panchayat, Eluru Rural Mandal, West Godavari District. According to the petitioner, possession certificate was granted in her favour by the Mandal Revenue Officer, Eluru on 09.06.2004. Ever since then, the petitioner is in possession and enjoyment of the same. While so, the authorities of the respondent Gram Panchayat are now trying to evict the petitioner without assigning any reason. No notice is served on the petitioner calling upon her to submit her explanation. Aggrieved by the illegal action of the respondent Gram Panchayat, the petitioner submitted a representation to the District Collector, West Godavari, Eluru on 18.8.2015. So far, the said representation is not acted upon. On the contrary, the authorities of the respondent Gram Panchayat are threatening to evict the petitioner. Hence, she filed this writ petition.

2. Heard both sides.

3. It appears that so far, no notice is issued to the petitioner on the question of occupation and enjoyment of the subject property. As seen from the Possession Certificate issued by the Mandal Revenue Officer, Eluru on 09.06.2004, possession vests with the petitioner. Hence, without following the due process, assuming that the subject land does not belong to the petitioner or no such allotment was made to the petitioner, the petitioner shall not be evicted from the subject property.

4. Accordingly, the Writ Petition is disposed of at the stage of

admission. There shall be no order as to costs.

5. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE P.NAVEEN RAO

Date: 27.8.2015
AMD

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