

**THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM**

**WRIT PETITION No. 39716 of 2014**

**ORDER:**

Action of the 3<sup>rd</sup> respondent, in trying to demolish the construction made by the petitioner in her house site, is challenged in this writ petition.

2. The averments in the writ affidavit, in brief, are that the petitioner was granted a house site patta by the 3<sup>rd</sup> respondent-Tahsildar in an extent of Ac.0-02 cents vide Rc.No.32/2008 dated 02.01.2008 in Survey No.468/P Part in Bhavani Nagar, Tekkali village, Srikakulam district, along with a Possession Certificate. The Gram Panchayat granted her necessary permissions for construction of house and for obtaining Electricity Connection. While constructing the house, some third parties came to her house site claiming that they were also given house site patta for the said land; whereupon she filed O.S.No.69 of 2013 before the Junior Civil Judge, Tekkali, and the said suit is pending. The petitioner alleges that the officials working under the 3<sup>rd</sup> respondent came to her house on 19.12.2014 and asked her to vacate the house site stating that she occupied the Government land and they also tried to demolish the house.

3. Learned counsel for the petitioner submits that the petitioner is legally in possession of the house site on the strength of the patta granted in her favour by the Government, and the action of the 3<sup>rd</sup> respondent in trying to demolish the house of the petitioner, without issuing any notice to her, is illegal.

4. On the other hand, learned Assistant Government Pleader for Revenue (A.P.) submits that, as of now, no proceedings have been initiated against the petitioner affecting her possession of the house

site in question, and the writ petition is filed merely on apprehension. Learned Government Pleader fairly concedes that if the respondents intend to take any action, they shall follow due process of law.

5. In the circumstances, I deem it appropriate to dispose of the writ petition with a direction to the respondents not to interfere with the petitioner's peaceful possession and enjoyment of the land in question.

6. With the above direction, the writ petition is disposed of. No order as to costs. It is needless to mention that if the respondents intend to take any action, they shall follow due process of law.

Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

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**CHALLA KODANDA RAM, J**

10<sup>th</sup> February, 2015

KSM