

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.12070 of 2005

ORDER:

Heard the learned counsel for petitioner, and the learned Government Pleader for Revenue.

2. This Writ Petition is filed challenging the action of the third respondent in proposing to issue house site pattas to weaker sections from the land belonging to the petitioner bearing survey No.137-C in an extent of Ac.3.50 cents which is patta land situated at Budanam village, Chillakur Mandal, Nellore District.

3. Counter affidavit is filed stating that the said land is a Settlement Patta Dry Land and the said land was given to the petitioner by her father-in-law by way of registered gift deed, but the said land was not in possession and enjoyment of the petitioner. There are 62 houses constructed in the land. Out of 62 encroachers, 30 encroachers stated that they have purchased the land from the father-in-law of the petitioner, who is the original pattadar, for valuable consideration. Now the petitioner threatened them to pay the value of the land. In the remaining land, 32 houses were also constructed. At the time of construction of houses, neither the petitioner nor her father-in-law objected to the same. So far as the Revenue Department is concerned, they are not interfering with the land of the petitioner. Neither the third respondent nor other officials have pressurised the petitioner or seeking to sanction house site pattas to the said encroachers.

4. This Court by order dated 09.06.2005 granted interim direction not to dispossess the petitioner from the land in her possession.

Subsequently, the said order was vacated in W.V.M.P.No.2004 of 2006 on 16.11.2006.

5. It is evident from the above averments that the petitioner has patta land and there are encroachments to the patta land and the third respondent stated that they are not granting any house site pattas in respect of the said land.

6. In the circumstances, the petitioner has to take steps for protecting her land from encroachers or for recovering the land from the persons, who occupied the land. This Writ Petition is not maintainable.

7. In the circumstances, this Writ Petition is disposed of giving liberty to the petitioner to take appropriate steps in accordance with law. There shall be no order as to costs.

Miscellaneous petitions pending, if any, in the Writ Petition shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 16.02.2015

MVA

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.12070 of 2005

Date: 16.02.2015

MVA