

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 32399 of 2012

ORDER:

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Heard learned counsel for the petitioners and Government Pleader for Revenue. With the consent of both the parties, the main writ petition is heard at the admission stage itself.

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the third respondent in trying to lay CC road through the houses of the petitioners situated in Sy.No.143/1D of Ainavalli Village and Mandal, East Godavari District without following due process of law, as illegal, arbitrary and violative of principles of natural justice; and consequently direct the respondents not to dispossess the petitioners from the said houses.

The factual matrix of the case is that the petitioners claim to be in occupation of the land situated in Sy.No.143/1D of Ainavalli Village and Mandal, raised houses in the said land and are residing therein since 2000. In view of the above, the petitioners made a representation to the Government seeking allotment of the said land in their favour. The inaction of the respondents led to filing of W.P.No.20163 of 2010. The said Writ Petition was disposed of on 16.07.2000, directing the respondents therein to consider the representation of the petitioners in accordance with law. Since some of the beneficiaries were granted pattas and petitioners were not granted pattas, the petitioners made a representation to the first respondent requesting him to grant pattas. Thereafter, possession certificates were issued in favour of the petitioners. It is stated that the third respondent is high handedly trying to lay a road during the land of the petitioners by evicting them from the said premises without canceling the possession certificates granted in their favour. The action of the third respondent made the petitioners to approach this Court.

By an order, dated 15.10.2012, this Court while issuing notice before admission, directed the respondents not to dispossess or otherwise interfere

with the possession of the petitioners, over the property in question, except following the procedure prescribed by law.

When the matter is taken up for hearing, the Government Pleader for Revenue submitted that the respondents are not interfering with the possession of the petitioners and the allegation that the third respondent is trying to dismantle the houses and lay the road through the houses is incorrect.

Having regard to the circumstances stated above and taking into consideration the interim order dated 15.10.2012, the writ petition is disposed of directing the respondents not to dispossess or interfere with the possession of the petitioners over the property situated in Sy.No.143/1D of Ainavalli Village and Mandal, East Godavari District, except following the due process of law. No order as to costs.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

02.11.2015

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