

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH

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WRIT PETITION No.38289 of 2015

BETWEEN

Smt. Sattenapalli Venkateswaramma.

... PETITIONER

AND

The State of Andhra Pradesh, Rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad and others.

...RESPONDENTS

DATE OF JUDGMENT PRONOUNCED: 02.12.2015

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

1. Whether Reporters of Local newspapers may be No allowed to see the Judgments?
2. Whether the copies of judgment may be marked No to Law Reporters/Journals?
3. Whether Their Ladyship/Lordship wish to see the No fair copy of the Judgment?

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ORDER:

Heard.

2. Petitioner claims that she was granted house site patta in R.S.No.477 admeasuring 110 sq. yards situated a Venkatapuram Village and Panchayat, Eluru Mandal, West Godavari District under patta certificate dated 18.11.2010 and that she has constructed a small house. Petitioner states that the Mandal Revenue Officer along with subordinates physically visited her house on 17.11.2015 and 18.11.2015 and threatened to evict her. Alleging highhanded interference by the official respondents, the present writ petition is filed by the petitioner.

3. Learned Government Pleader for Revenue has received instructions from the fourth respondent, which, *inter alia*, states that R.S.Nos.477, 478 and 479 comprise of private lands for which a layout was approved in favour of land owners vide proceedings in 2003 and in the said layout, As.C.20 cents of land was left for communal purpose under the layout. Petitioner is alleged to have occupied part of the said communal poramboke land and the patta issued in favour of the petitioner is also denied as fake. It is stated that since the petitioner cannot occupy the communal poramboke land, the Tahsildar only tried to protect the Government land.

4. It is evident that the very entitlement of the petitioner is questioned by the respondents

but so far neither any notice is issued nor any proceedings are taken up against the petitioner. While the petitioner is stated to have been in possession and has constructed a house in the aforesaid land, if any action is intended to be taken against the petitioner, the fourth respondent will have to follow due process of law by issuing notice to the petitioner and by giving an opportunity of hearing and then pass appropriate orders.

Without complying with the same, however, the fourth respondent shall not interfere with the petitioner's possession and enjoyment of the land claimed by her, as above.

The writ petition is disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

December 2, 2015

DSK