

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

-

WRIT PETITION No.21674 OF 2005

-

ORDER:

The petitioners numbering 20 filed the instant writ petition seeking *Mandamus* to declare the action of the respondents in attempting to demolish A.C. Sheet single bed-room, kitchen and hall sheds of the petitioners in Plot Nos.28, 67, 8, 64, 63, 45, 77, 31, 29, 58, 62, 40, 86, 14, 74, 61, 7, 9, 51 and 82, respectively, and partly damaging the shed of petitioner No.1 on 30-09-2005 and threatening to demolish all other sheds and dispossess the petitioners from their respective plots in Visakhapatnam Urban Development Authority (VUDA) Approved Layout in Rc. No.1197/97-G3, dated 06-01-1998, in Survey No.304 of Pilakalavanipalem, Madhurawada Grampanchayat, without issuing any notice and without acquiring the land and paying compensation and without following due process of law as illegal and arbitrary.

2. Heard Smt. N(P). Anjana Devi, learned counsel for the petitioners. No representation for respondent Nos.1 to 3.

3. Learned counsel for the petitioners would submit that in Survey No.304 of Madhurawada, the VUDA has made a layout showing 86 plots having dimensions 18' x 30' each in an extent of Ac.1-07 cents for allotment to the economically weaker sections. The layout was approved by the VUDA in Rc.No.1197/97-G3, dated

06-01-1998 and, thereafter, having observed due formalities, house site patta certificates under B.S.O. No.21 were issued by respondent No.1 – Mandal Revenue Officer, Visakhapatnam Rural, to 86 patta holders, amongst whom the petitioners were also assigned. The learned counsel would submit that the petitioners are still in possession and enjoyment of their respective plots, but the respondents un-authorisedly and unjustly are interfering with their

possession without resorting to due process of law and, hence, sought the instant direction.

4. Perused the material on record. The copies of patta certificates issued to the petitioners are filed and the same have been placed on record.

5. This Court initially, granted *status-quo* as on 05-10-2005, on which date, the said orders were passed in W.P. M.P. No.27839 of 2005. While disposing the said W.P.M.P., the interim order was made absolute on 27-06-2008. The learned counsel for the petitioners submits that in case the respondents intend to evict the petitioners, to issue a notice and follow due procedure for their eviction.

6. The instant writ petition relates to the year 2005 and, in view of the patta certificates filed along with the writ petition, it is desirable to direct the respondents to follow due procedure in case they intend to evict the petitioners if the petitioners are really in possession of their respective plots.

7. Accordingly, the instant Writ Petition is disposed of. No order as to costs.

8. As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, stand disposed of.

A. SHANKAR NARAYANA, J

November 09, 2015.

Mgr

