

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 21530 of 2009

ORDER:

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

The present writ petition came to be filed seeking issuance of writ of mandamus directing the action of the respondents in forcibly taking over possession of the petitioner's property ie. land along with sheds admeasuring Ac.0.06 cents in Sy.Nos. 60-B/2 and 60-B2B situated at Udayagiri Village and Mandal, Nellore District, without following the due process of law, as illegal, arbitrary and violative of principles of natural justice.

The averments in the affidavit filed in support of the writ petition are as under:

The petitioner claims to be in possession of land admeasuring Ac.0.06 cents in Sy.Nos. 60-B2B and 60-B/2 situated in Udayagiri Village and Mandal, Nellore District, by inheriting the same from his forefathers. The revenue authorities also granted certificate dated 15.09.2004 in respect of Ac.0.01 cent land and certificate dated 21.03.2005 in respect of Ac.0.05 cents of land, confirming the possession of the petitioner. It is further stated that the third respondent along with his staff came to the site and informed that they are going to demolish the shops erected by the petitioner for the purpose of road widening. It is stated that no notice was served on the petitioner for acquiring the land. Challenging the said action of the respondents, the present writ petition came to be filed.

By an order, dated 29.08.10.2009, while admitting the writ petition, this Court directed the respondents not to interfere with the possession of the petitioner over the land admeasuring Ac.0.06 cents along with sheds therein situated in Sy.Nos. 60-B/2 and 60-B2B of Udayagiri Village and Mandal, Nellore District, without following the due process of law.

Having regard to the facts and circumstances of the case and taking into consideration the interim order dated 08.10.2009, the writ petition is disposed of, directing the respondents not to interfere with the possession of the petitioner over the land admeasuring Ac.0.06 cents along with sheds therein situated in Sy.Nos.60-B/2 and 60-B2B of Udayagiri Village and Mandal, Nellore District, without following the due process of law.

No costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

24.11.2015

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