

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.7542 OF 2011

ORDER:

The writ petition is filed complaining the unauthorized and illegal interference by the respondents 3 and 4 at the behest of the 5th respondent.

It is the case of the petitioner that he is the owner of the land over an extent of Ac.0.02 cents situated in Plot No.21, Sy.No.238, Mallunaidupalem Village, Sabbavaram Mandal, Visakhapatnam District having been assigned the same by virtue of a patta granted in his favour by the 4th respondent-Tahsildar on 23.12.2009. While so, the elder brother of the petitioner who was working at Howra recently returned to his native place and having eye on the property trying to encroach on the land of the petitioner. Petitioner had already constructed a house in the said site and living therein. As a matter of fact, the petitioner filed a suit in O.S.No.248 of 2009 on the file of the Principal Junior Civil Judge, Anakapalli seeking a mandatory injunction to remove the illegal constructions made by the 5th respondent and for declaration of the suit schedule property and the same was decreed on 30.12.2009 directing the 5th respondent to remove the illegal constructions in the property. It is stated that in spite of the fact that the same was brought to the notice of respondents 1 to 4 not to interfere with his peaceful possession and enjoyment of the property, the 3rd respondent is harassing the petitioner at the instigation of the 4th respondent.

This Court ordered notice to the 5th respondent on 23.03.2011 and the learned counsel for the petitioner submitted that he had taken the notice to the 5th respondent and it has been served on him long back. In spite of the notice to the 5th respondent was ordered in the year 2011, no counter-affidavit denying the specific allegations made in the writ affidavit is filed so far. In that view of the matter, the action of the official respondents in interfering with civil rights of the petitioner is wholly objectionable and unwarranted. The disputes if any between the petitioner and 5th respondent are purely civil in nature and the respective parties are expected to work out their remedies before the competent civil courts. In the present case, the specific averments that the petitioner filed a suit in O.S.No.248 of 2009 on the file of the Principal Junior Civil Judge, Anakapalli and the same was decreed against the 5th respondent has not been controverted by the 5th respondent. In that view of the

matter, there shall be a direction to the 5th respondent not to interfere in any manner with the rights of the petitioner with respect to the property over an extent of Ac.0.02 cents situated in Plot No.21, Sy.No.238, Mallunaidupalem Village, Sabbavaram Mandal, Visakhapatnam District, without following due process of law. The respondents 3 and 4 shall also ensure that due protection be given to the petitioner from the 5th respondent as and when he approaches seeking such direction.

With the above observations, the writ petition is disposed of.

No order as to costs. Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

CHALLA KODANDA RAM,J

Date:10.06.2015.

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