

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 27489 of 2011

ORDER:

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The present writ petition is filed to declare the action of the third respondent in interfering with the rights of the petitioner over a residential house constructed in plot No.51 situated in Sy.No.1023 of Madakalavaripalli Village, Badvel Mandal, Y.S.R.Kadapa District, as illegal, arbitrary and violative of the principles of natural justice.

The averments in the writ petition are as under:

Originally, the house plot bearing No.51 admeasuring 0.03 cents situated in Sy.No.1023 of Madkalavaripalli village, Badvel Mandal, Y.S.R.Kadapa District belong to one Ramanamma. She sold the same to one Mr.Alipeliah on 23.08.2008, who inturn sold the same to Guvvala Yella Reddy. The petitioner purchased the said house plot on 25.02.2009 from Konda Narsimha Reddy, who inturn purchased the said land from Guvvala Yella Reddy on 10.01.2009. From the date of purchase, the petitioner is said to be is in peaceful possession and enjoyment and he is said to have constructed a residential house therein after obtaining necessary approval from the Badvel Municipality. While things stood thus, on 25.09.2001, the third respondent along with his staff came to the house of the petitioner and tried to dispossess the petitioner from the said house stating that the house was constructed in government land. Hence, the present writ petition is filed.

Heard learned counsel for the petitioner and learned Government Pleader for revenue.

Learned Government Pleader for revenue on instructions submits that no documents have been filed to show that the petitioner

is the owner of the land and also the document which is filed shows only the title of the vendor of the petitioner. He submits that mere filing of approval letter and some electricity receipts does not confer any title over the property. He further submits that the petitioner has no right over the property, as such, the question of he being in possession of the said property would not arise.

On the other hand, learned counsel for the petitioner strenuously contended that the petitioner is the owner of the property and also constructed a house in the said plot.

Having regard to the circumstances stated above, it is appropriate to direct the third respondent not to take any coercive steps against the petitioner in respect of the subject in dispute without following the due process of law.

With the above direction, the writ petition is disposed of. No costs.

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

JUSTICE C. PRAVEEN KUMAR

08.07.2015
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