

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.3357 of 2011

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Between:

S. Rajesh

PETITIONER

AND

1. The District Collector, Chittoor, Chittoor District, and others.

RESPONDENTS

ORDER:

This writ petition is filed seeking the following relief:

“...issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 3rd respondent in interfering with the dwelling house construction activities of the petitioner in H.No.1-31/1. measuring to an extent of Ac. 0-02.5 cents situated at Yallamanda Cross, Piler village & Mandal, Chittoor district as illegal, improper and arbitrary and unconstitutional and violative of Articles 14, 21 and 300-A of the Constitution of India and consequently direct the respondents not to interfere with the possession and enjoyment as well as the construction of Dwelling house in H.No.1-31/1, measuring to an extent of Ac. 0-02.5 cents situated at Yallamanda Cross, Piler Village & Mandal, Chittoor District ...”

The petitioner's mother claims to have purchased the dwelling house in H.No.1-31/1, admeasuring Ac.0.02.5 cents in Plot No.12 situated at Yallamanda Cross, Piler Village & Mandal Chittoor District, on 09.06.2005 from its original assignee one Smt. Mallella Anasuya W/o. Venkataramana, who was granted patta on 26.06.1989. Since the house was in dilapidated condition, he demolished the old house to construct a new house. The grievance of the petitioner is that though his mother purchased the said house site after completion of 10 years of original assignment, the respondent authorities are trying to dispossess him from the house property in question, at the behest of local political leaders, without following due process of law, stating that the petitioner's mother is not the original assignee. It is stated that though the petitioner submitted representations to the 3rd respondent, no action has been taken so far. Hence he filed the present writ petition.

Heard learned counsel for the petitioner and learned

Government Pleader for Revenue for respondents.

When the matter came up for admission on 15.02.2011, at the request of the learned Government Pleader the matter was adjourned to enable him to get instructions. Though more than four years have elapsed, the learned Government Pleader has not received any instructions. No counter affidavit is filed.

Therefore, without going into the merits of the case, I deem it appropriate to permit the petitioner to submit a fresh representation to the respondents to consider his case, and on such representation being filed, the respondents are directed to consider the same and pass appropriate orders on the same in accordance with law. Pending consideration of the representation, the petitioner shall not be dispossessed from the property in question without following due process of law. No costs. As a sequel, miscellaneous petitions, if any, shall stand closed.

CHALLA KODANDA RAM, J.

19th March, 2015
Js.