

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

Writ Petition No.19381 of 2012

Date: 16-09-2015

Between:

Gundumogula Surya Kumari

.... Petitioner

AND

The Sub-Collector, Bhadrachalam,
Khammam District and 2 others

.... Respondents

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

Writ Petition No.19381 of 2012

ORDER:

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Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue. With the consent of the learned counsel for both parties, the writ petition is disposed of.

2. The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondent authorities in threatening to dispossess the petitioner from the premises bearing H.No.9-1-104, situated at Medical Colony, Bhadrachalam, Khammam District without issuing any notice and without following due process of law as illegal and arbitrary and for a consequential direction to the respondents not to dispossess or interfere with the peaceful possession and enjoyment of the petitioner in respect of the said premises.

3. The grievance of the petitioner is that she has been in peaceful possession and enjoyment of the premises bearing H.No.9-1-104, situated at Medical Colony, Bhadrachalam,

Khammam District, having succeeded the same from her late husband. It is further stated that the Bhadrachalam Municipality also assessed the said premises vide Assessment No.1581 and the petitioner has been regularly paying requisite taxes to the Municipality and obtained electricity connection. It is stated that while the matter stood thus, the 2nd respondent herein came to the said premises on 20-06-2012 and threatened to dispossess the petitioner from the premises with the help of the 3rd respondent. It is further stated that the 2nd respondent again came to the premises on 25-06-2012 along with some personnel of the 3rd respondent and made attempts to throw out her household articles. It is further stated that with the intervention of the locality people the said authorities left the premises. Questioning the action of the 2nd respondent in trying to dispossess the petitioner from the premises, the present writ petition came to be filed.

4. No counter affidavit is filed by the respondents. However, the learned Government Pleader for Revenue on instructions states that no document has been filed to show that the petitioner is in possession and enjoyment of the property and in the absence of any material showing the ownership of the petitioner over the property, the request of the petitioner cannot be accepted.

5. Learned counsel for the petitioner submits that as on today, the petitioner is in possession of the property and she is likely to be dispossessed from the property without following due process of law. The learned counsel placed on record the receipts issued by the Gram Panchayat showing payment of property tax.

6. On 28-06-2012, this Court, while issuing notice before admission, directed the parties to maintain status quo with regard to possession of the property in question.

7. Without going into the merits of the case and having regard to the request made by the learned counsel, the writ petition is disposed of directing the respondents not to dispossess the petitioner from the house bearing H.No.9-1-104, situated at Medical Colony, Bhadrachalam, Khammam District without following due process of law, if the petitioner is still in possession of the property as on today. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

C. PRAVEEN KUMAR, J

Date: 18-09-2015

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