

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH

WRIT PETITION No. 14662 of 2011

Between:

Gollavilli Vara Prasad

_____. **.. Petitioner**

and

The Special Officer, Land Acquisition,
Visakhapatnam, and another

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 22.07.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals? | Yes/No |
| 3. Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment? | Yes/No |

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 14662 of 2011

ORDER:

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Heard learned counsel for the petitioner, learned Government Pleader for Land Acquisition appearing for the 1st respondent and learned Government Pleader for Revenue (Assignment) appearing for the 2nd respondent.

The present writ petition came to be filed questioning the action of the respondents in attempting to demolish the petitioner's house bearing door No.18-13-6/2 in plot No.742 situated at Nadupuru Village, Visakhapatnam District, as illegal and arbitrary.

The averments in the writ petition would show that the petitioner was allotted plot No.742 situated in Nadupuru Village, Pedagantyada Sector, Visakhapatnam District, by the 1st respondent vide proceedings D.Dis.No.198-A/98-B dated 26.06.1998. In pursuance of the same, on 05.02.2001 the 2nd respondent issued proceedings granting the said plot admeasuring 107 square yards in favour of the petitioner. Thereafter, the petitioner is said to have constructed an RCC roofed house and the same was assessed to tax. While things stood thus, on 20.05.2011 some officials claiming themselves to be the officers of the respondents herein visited the house of the petitioner and directed him to vacate the premises stating that it is a Government property and he is an encroacher. It is stated

that though the petitioner showed all the relevant documents, they paid a deaf ear. When the labourers attempted to demolish the house of the petitioner, the petitioner obstructed such illegal activity with the help of his neighbours. Questioning the said action of the officials of the respondents without giving any notice, the present writ petition came to be filed.

The 2nd respondent filed his counter denying the averments made in the writ petition and further stated that the documents, which are filed along with the writ petition, are all false. The proceedings dated 26.06.1998 issued by the Special Officer, Land Acquisition, Steel Plant, Visakhapatnam would disclose that no such allotment was made in favour of the petitioner. On physical verification of the plot, it was found that the petitioner encroached upon the said plot and raised an RCC roofed house without any title or authority. It is further stated that the signatures of then Mandal Revenue Officer, Pedagantyada Mandal, and the Special Officer, Land Acquisition, Steel Plant, Visakhapatnam, on the proceedings filed by the petitioner along with the writ petition are not tallying with their original signatures. Hence, it is stated that the allegations made in the writ petition are false and are made only with a view to prevent the officials from taking action.

Without going into the merits of the case and as the possession of the petitioner over plot No.742 is not in dispute, the Writ Petition is disposed of, by directing the 2nd respondent not to take any coercive action against the petitioner, without following the due process of law. There shall be no order as to

costs.

Consequently, miscellaneous petitions pending if any in the writ petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

22nd July, 2015
cbs

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