

HONOURABLE SRI JUSTICE RAJA ELANGO

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WRIT PETITION NO:3946 OF 2009

ORDER:

1. This writ petition is filed seeking to declare the action of respondent-authorities in interfering with the petitioner's peaceful possession and enjoyment of the land admeasuring 988.88 sq. yards equivalent to 826.806 sq. meters situated in Sy.No.275 of Chinna village, Adavivaram Mandal, Visakhapatnam District, without issuing notice, as arbitrary and illegal.

2. It is the apprehension of the petitioner that the respondent dispossess him from the subject land, without issuing any notice.

3. While admitting this writ petition on 26.2.2009, this Court passed interim order directing the respondents not to interfere with the peaceful possession and enjoyment of the petitioner over the subject land, without following due process of law, and also directing the petitioner not to carry out any further constructions, not to alter the nature of the subject land and create any third party interest over the subject land.

4. The learned Counsel for the petitioner submitted that in view of cyclone, the entire structures in the land of the petitioner were damaged and he intended to effect repairs. But the respondent-authorities are obstructing the same in view of the interim orders of this Court.

5. The petitioner claims that he had given a representation to the respondent to consider his case as per G.O.Ms.No.578, dated 19.8.2000, but no orders have been passed by the 2nd respondent so far. But the material on record does not show any such representation claimed to have been made by the petitioner herein.

6. Taking into consideration the facts and circumstances of the case and the apprehension of the petitioner as well as the necessity of order being passed in respect of the subject land at an early date, the petitioner here directed to prefer an application before the 2nd respondent on the basis of G.O.Ms.No.578, dated 19.8.2000, within a period of ten days from the date of this order.

receipt of a copy of this order. On such representation being made, the respondent is directed to decide the issue in accordance with law, within a period of two months thereafter, failing which, the petitioner is at liberty to seek appropriate remedy in the appropriate forum.

7. Subject to the above observation, the writ petition is disposed of in the order as to costs. Consequently, the interim order passed by this Court on 26.2.2009 shall stand vacated. Miscellaneous petitions pending, if any, shall stand closed.

Justice Raja Elango

Date: 30.1.2015

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