

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 14330 of 2011

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Revenue. With the consent of both the parties, the main writ petition is being heard at the admission stage itself.

The present writ petition came to be filed seeking issuance of a writ of mandamus declaring the action of the respondents in threatening to dispossess the petitioner from the house bearing Door No.18-14-29, Nadupuru, R.H.Colony, Pedagantyada, Visakhapatnam, without issuing notice or assigning any reasons, as illegal, arbitrary and violative of principles of natural justice; and consequently direct the respondent not to interfere with the possession of the petitioner in respect of the said house property.

The petitioner claims himself to be the absolute owner and possessor of the house bearing Door No.18-14-29, Nadupuru, R.H.Colony, Pedagantyada, Visakhapatnam and has been residing in the said house for the last 30 years. It is stated that as their lands were acquired by the Government for the purpose of establishing steel plant, the State Government granted house site patta infavour of the father of the petitioner under rehabilitation scheme vide proceedings SR No.626/2003, dated 04.01.2003 and subsequently the father of the petitioner gifted the same to the petitioner. It is the case of the petitioner that he paid property tax from 1983 till date. While things stood thus, on 12.05.2011 the respondents along with their staff came to the house of the petitioner and insisted the petitioner to vacate the house stating that they were received instructions from their superiors to dispossess the petitioner from the house. When the petitioner showed the rehabilitation card and other relevant documents, the authorities went away stating that they would come again with more force and would certainly demolish the house by dispossessing the petitioner. Challenging the action of the respondents in trying to dispossess the

petitioner, the present writ petition is filed.

Initially, the second respondent filed counter in the month of June, 2013. It has been stated in the said counter that no house site patta was assigned or granted in favour of the father of the petitioner in respect of plot No.841-A in the year 2003 vide S.R.No.626 of 2003 dated .01.2003. It is the case of the respondents that the above schedule property was occupied by the petitioner by way of encroachment and the documents which are produced to substantiate the same are fake documents. Later, an additional counter came to be filed by the second respondent stating that as per plot register there is no number earmarked as Plot No.841-A in Pedagantyada plot register. It is also stated that the rehabilitation cards allotted to the displaced persons in Nadupuru village are only upto serial number 1120 and R.C.No.1132 claiming to be that of the father of petitioner is false and incorrect.

In view of the above, this Court directed the learned Government Pleader to produce the original record. The material on record would disclose that the petitioner is in occupation of the property even as on today. Therefore, the Government Pleader on instructions submits that steps will be taken to recover the property from the petitioner by following due process of law. That being the position, the writ petition is disposed of directing the respondents to follow due process of law before taking any coercive steps for dispossession of the petitioner from the house bearing Door No.18-14-29, Nadupuru, R.H.Colony, Pedagantyada, Visakhapatnam. No order as to costs.

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

JUSTICE C. PRAVEEN KUMAR

18.08.2015

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