

HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.9806 of 2005

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Date: April 23, 2015

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Between:

Mandava Siva Prasad ... Petitioner

and

1. The District Collector,

Visakhapatnam District & another. ... Respondents

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HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.9806 of 2005

ORDER:

This writ petition was filed assailing the action of the revenue authorities in interfering with the petitioner's possession over the property in Survey No.158/8 (Patta No.197), Kommadi Village, Chinagadilu Revenue Mandal, Visakhapatnam District.

2. By order dated 27.04.2005, this Court directed the respondent authorities not to interfere with the possession of the petitioner in respect of the property in question without following due process of law. This order was made absolute on 17.06.2008.

3. Despite the lapse of nearly a decade, no counter-affidavit has been filed by the revenue authorities.

4. Perusal of the material placed on record indicates that the petitioner asserted his possession over the subject property on the basis of a cist receipt and photographs evidencing his construction in the subject land. In the absence of rebuttal by way of a counter, this Court is compelled to accept the petitioner's claim that he is in possession.

5. That being so, the writ petition is disposed of directing the respondents not to interfere with the petitioner's possession over the subject land except in accordance with the due procedure laid down by law. Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

SANJAY KUMAR, J.

Date: April 23, 2015.

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HON'BLE SRI JUSTICE SANJAY KUMAR

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