

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 6302 of 2011

ORDER:

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Heard learned counsel for the petitioner and learned Government Pleader for Revenue. With the consent of both the parties, the Writ Petition is disposed of at the admission stage itself.

The present Writ Petition came to be filed seeking to declare the action of the third respondent in trying to dispossess the petitioner from his house site admeasuring Ac.0.02 cents situated in Survey No.217/5, Ammavaripeta, Venkatagiri Town, SPSR Nellore District granted by the then third respondent vide proceedings Rc.B.716/03, dated 22.08.2006, without any notice and without following the due process of law and contrary to the A.P.Revenue Board Standing Orders as illegal and arbitrary and consequently direct the third respondent not to dispossess the petitioner from his house site, without following the due process of law.

The averments in a Writ Petition are that the petitioner is a landless poor person belonging to SC Community, eking out his livelihood by doing coolie works. The petitioner has been residing in a hut in the Government site admeasuring Ac.0.03 cents situated in Survey No.217/5, Ammavaripeta, Venkatagiri Town, SPSR Nellore District since 1998. It is stated that after verification of the application submitted by the third respondent, house site pattas was granted to the petitioner vide proceedings in Rc.B.716/03, dated 22.08.2006. It is stated that ever since then he has been in possession and enjoyment of the same by erecting a small room with asbestos sheet. It is further stated that the petitioner applied for grant of a house under 'Indiramma Housing Scheme' for which the respondent authorities advised the petitioner to lay the foundation for sanctioning the house under the said scheme. Accordingly, the petitioner is alleged to have demolished the said room and cleaned the house site with a view to lay the foundation, as per their plan and instructions. On 04.03.2011, the petitioner also applied for electricity connection, which is pending. Subsequently, the third respondent is alleged to have behaved highhandedly and directed the petitioner to vacate the house site within a week, without any reason. It is the action of the third respondent in forcing the petitioner to evict the petitioner from the premises without following due process of law, which is subject matter of challenge in this Writ Petition.

Learned Government Pleader, on instructions, submits that the petitioner is already dispossessed from the land and he is not in possession of the land. However, learned counsel for the petitioners disputes the same.

Without going into merits of the case and having regard to the submissions made by the learned counsel for the petitioner, the Writ Petition is disposed of directing the respondents to follow due process of law before vacating the petitioner from the said land, if the petitioner is still in possession of the land. No costs.

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

JUSTICE C. PRAVEEN KUMAR

11.09.2015
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