

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.23048 of 2015

ORDER:

Heard.

This writ petition is filed by the petitioner on the specific allegation that while the proceedings in Rc.No.3037/2006/E2 are pending with the 2nd respondent-District Collector and while no orders are passed thereon, attempts are being made by the respondents to dispossess the petitioner from the land alienated in his favour by the Government.

The facts of the case, briefly stated, show that the land admeasuring Ac.12-51 cents in Sy.No.92/3 of Endada Village, Visakhapatnam Rural Mandal, Visakhapatnam, was alienated in favour of the petitioner in terms of G.O.Ms.No.1447, dated 06-12-2008 and a sale deed was also executed by the Government in favour of the petitioner on 04-10-2010. Subsequently, various proceedings were initiated including filing of W.P.No.23908 of 2013, wherein the action of the Collector in restraining the municipal authorities from considering the petitioner's application for permission of layout and building permission was questioned and the said writ petition was allowed by this Court on 21-10-2013. Subsequently, the petitioner was given impugned memo, dated 21-06-2015 alleging that he violated two conditions of alienation and called upon him to submit explanation. The petitioner submitted his explanation on 17-07-2015 and it is stated that no orders are passed so far, Notwithstanding that the officials of the respondents came to the petitioner's land and attempted to dispossess him from the land in question.

While other aspects are argued by the learned counsel for the petitioner and learned Government Pleader appearing for respondents 1 to 4, I however feel that it would be premature to adjudicate upon the rival contentions at this stage, as no order is passed in pursuance of the said final memo.

In the circumstances, it is appropriate to direct the 2nd respondent to consider the petitioner's explanation referred to above in response to the final memo referred to above and pass appropriate orders in accordance with law. However, till such order is passed and communicated to the petitioner, the petitioner shall neither be dispossessed nor any coercive steps be taken against him.

Accordingly, the writ petition is disposed of. No order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 24-07-2015

Prv