

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.9258 of 2015

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Between:

Vasarla Raju

PETITIONER

AND

1. The State of Andhra Pradesh, rep. by Principal Secretary to Government,
Revenue Department, Secretariat, Hyderabad, and others.

RESPONDENTS

ORDER:

The case of the petitioner is that he constructed a small house with tin sheets bearing D.No.6030/1 in Seshadri Nagar, Porlupalem, Pendurthi Mandal, Visakhapatnam District, and is in possession and enjoyment of the same. In the recent Hudhud cyclone the house of the petitioner also got damaged. The 2nd respondent, vide proceedings Rc.No.3322/2014/D3, dated 15.12.2014 sanctioned compensation of Rs.5000/- to the beneficiaries who lost their properties, and the petitioner is also one of the beneficiaries. When the petitioner with a view to reconstruct the house, put a slab to the damaged house, the respondent authorities

came to his property on 28.03.2015 and threatened him to stop construction stating that the petitioner had encroached into the Government land. Hence, the petitioner filed the present writ petition.

When the writ petition is came up for admission on 02.04.2015 the learned Assistant Government Pleader for Revenue (A.P.) was directed to get instructions.

Today, the learned Assistant Government Pleader, on instructions submits that the land, which is in occupation of the petitioner, is a Government land and the petitioner has no manner of right whatsoever in the land. The learned Assistant Government Pleader submits that as the petitioner undertook construction activity by laying slab, the respondent would take necessary action by following due process of law.

It is an admitted fact that the petitioner is in possession of the house property bearing D.No.6-30/1, Seshadri Nagar, Porlupalem, Pendurthi Mandal, Visakhapatnam District. In view of the same, I deem it appropriate to direct the respondents not to interfere with the petitioner's construction without following due process of law as long as the petitioner is making constructions adhering to the permission/sanction, if any, made by the authorities including the Greater Visakhapatnam Municipal Corporation. However, it is made clear that this order shall not prevent the respondent authorities to take necessary action for resuming the land, if it is found that the petitioner encroached into the Government land, by evicting the petitioner after following due process of law.

With the above direction, the writ petition is disposed of. No costs. As a sequel, miscellaneous petitions, if any, shall stand closed.

CHALLA KODANDA RAM, J.

10th April, 2015

Js.