

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.13410 OF 2015

ORDER:

This petition is filed for a writ of *Mandamus* declaring the action of respondents 3 to 5 in attempting to dispossess the petitioners from the site to an extent of 10 cents in Sy.No.115, Thimmayapalem Village, Pothavaram Grampanchayat, Darsi Mandal, Prakasam District, without notice and without following due process of law, as arbitrary, illegal and contrary to the principles of natural justice and consequently to direct the respondents not to disturb the peaceful possession and enjoyment of the subject property.

The case of the petitioner is that her father-in-law had encroached the Government site to an extent of 10 cents about 30 years back and using the same as hayrick yard and the then Sarpanch of the Grampanchayat recognized the possession of her father-in-law vide certificate dated 05.06.1992, that she made a representation to the 5th respondent-Tahsildar, Darsi Mandal, for grant of house site patta, that on 24.04.2015, respondents 3 and 4 came to their site and directed the petitioner to vacate the site as it vests with the 3rd respondent-Grampanchayat. Without following due procedure and without notice, the respondents are trying to evict the petitioner. Aggrieved by the same, this writ petition is filed.

Heard the learned counsel for the petitioner, the learned Government Pleader for Panchayat Raj, appearing for respondents 1 and 2, Sri G.Seshadri, learned Standing Counsel, appearing for respondents 3 and 4 and learned Government Pleader for Revenue, appearing for respondent No.5.

Learned Government Pleader for Revenue submits that apprehending eviction, the petitioner filed this writ petition and the respondents will follow due procedure to evict the petitioner.

Placing on record the said submissions made by the learned Government Pleader for Revenue, this Writ Petition is disposed of directing that the 5th respondent shall not evict the petitioner, without following due procedure, as envisaged under law. No order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

30.04.2015

pab

