

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

Writ Petition No.20201 of 2012

Date: 21-09-2015

Between:

M. Gayathri

.... Petitioner

AND

The Government of Andhra Pradesh, represented

By its Principal Secretary, Revenue Department,

Hyderabad and 2 others

.... Respondents

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

Writ Petition No.20201 of 2012

ORDER:

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

2. The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondents in interfering with the peaceful possession and enjoyment of the petitioner over the property bearing H.No.50/348-1, admeasuring 97.77 square yards situated at Arora Nagar, Kurnool District as illegal, arbitrary and violative of Articles 14, 15 and 300-A of the Constitution of India.

3. On 09-07-2012, this Court, while issuing notice before admission to the respondents, directed both the parties to maintain status quo with regard to possession of the property in question.

4. The 3rd respondent filed his counter denying the averments made the writ affidavit, stating that the land in Survey No.581 admeasuring Ac.2.05 cents was classified as Inam Dry and in the pattadar column, it was noted as Blacksmith as per the Re-settlement Register of Kallur Mandal and subsequently the Survey No.581 was sub-divided as 581/1 and 581/2 admeasuring Ac.1.72 cents and Ac.0.33 cents respectively and the said sub-division numbers and extents are vested with PWD (Roads and Buildings) Department and Railways respectively. It is further stated that the house site patta dated 06-02-2010 said to have been issued by the 3rd respondent is fabricated and the same is not reflecting in the office records and that the 3rd respondent has no power to issue house patta since the land belongs to Roads and Buildings Department and the land is situated within the Kurnool Municipal Corporation limits. It is further stated that the then Tahsildar, Kallur has submitted a report stating that the petitioner illegally encroached on to the Government Site in Survey No.581/1 of Kallur village and constructed a semi-permanent structure.

5. Learned Government Pleader for Revenue submits that since the petitioner encroached on to the Government land illegally, by fabricating the revenue records, question of evicting the petitioner without following due process of law does not arise. The learned counsel for the petitioner submits that the petitioner is still in possession of the land.

6. Without going into the merits of the case and taking into account the rival contentions of both parties, the writ petition is disposed of directing the respondents 2 and 3 not to evict the petitioner from the property bearing No.H.No.50/348-1, admeasuring 97.77 square yards situated at Arora Nagar, Kurnool District without following due process of law, if the petitioner is still in possession of the subject property as on today. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

C. PRAVEEN KUMAR, J

Date: 21-09-2015

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