

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 1194 of 2015

ORDER:

The petitioner claims to be in possession of Ac.0-02 cents of land in Survey No.414 of Kamepalli village, Jarugumalli mandal, Prakasam district. The grievance of the petitioner is that the 4th respondent is threatening to dispossess the petitioner from the land in question, without following due process of law.

2. Learned counsel for the petitioner submits that the Possession Certificate issued by the 4th respondent on 27.10.2005 evidences the possession of petitioner. The counsel further asserts that the petitioner was granted house site patta by the authorities.

3. On the other hand, learned Government Pleader, by referring to Clause Nos.2 and 3 of the Possession Certificate issued by the Tahsildar, contends that the possession certificate was issued only to enable the petitioner to obtain loan under the housing scheme; and issuance of possession certificate, by itself, does not confer any title in favour of the petitioner, and the same cannot be construed as a patta. He further contends that though the petitioner claims to have been granted house site patta, the same is not filed before this Court; and as the petitioner is an encroacher, the 4th respondent is entitled to initiate eviction proceedings against the petitioner.

4. Having considered the rival submissions and considering the settled and well established principle of law, that even an encroacher cannot be dispossessed without following due process of law, this Court directs the respondents not to dispossess the petitioner from the house site in question, i.e. Ac.0-02 cents of land in Survey No.414 of Kamepalli village, Jarugumalli mandal, Prakasam district, without recourse to law.

5. With the above direction, the writ petition is disposed of. No order as to costs.

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

CHALLA KODANDA RAM, J

29th January, 2015

KSM