

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.38356 of 2016

ORDER:

1. This writ petition is filed under Article 226 of the Constitution of India seeking to direct the respondents not to demolish the house of the petitioner bearing No.17-209, Plot No.247 in Sy.No.275 of Adavivaram village, Visakhapatnam.

2. It is the case of the petitioner that she purchased the above plot No.247 from one Garikina Kamaraju and his wife in the year 1987 and she constructed a house therein. When she took up repairs, the respondents started obstructing her and they are trying to demolish the structures.

3. Learned Standing Counsel for the 3rd respondent filed a counter stating that the petitioner is an encroacher, and a notice was already issued to her and that the 3rd respondent has already filed O.A.No.298 of 2015 against the petitioner for her encroachment.

4. In reply, the learned Counsel for the petitioner submitted that in the said O.A., the door number was wrongly mentioned and the door number mentioned in the O.A. does not belong to the house of the petitioner.

5. The fact remains undisputed is that O.A. has been filed against the petitioner for eviction. If the petitioner has any grievance against the act of the respondents as to the mentioning of door number, she is at liberty to file a counter informing the said fact. The Endowment Tribunal concerned is directed to dispose of the O.A. in accordance with law. The petitioner is directed not to make any further constructions till disposal of the O.A.

6. With the above direction, the Writ Petition is disposed of.
Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

Date: 27th December, 2016
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