

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 18693 OF 2012

ORDER:

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Heard learned Government Pleader for Revenue and perused the records. No representation on behalf of the petitioners.

The present Writ Petition came to be filed seeking to declare the action of the respondents in attempting to dispossess the petitioner from the plot admeasuring 64.75 square yards in R.S.No.880, Block-3, Eluru Village, Venkatpuram Panchayat, Eluru Sub Division, West Godavari District, without issuing any notice and without following due process of law, as illegal and arbitrary.

The averments in the affidavit filed in support of the Writ Petition would show that the petitioners claim themselves to be the owner and possessor of the plot admeasuring 64.75 square yards in R.S.No.880, Block-3, Eluru Village, Venkatpuram Panchayat, Eluru Sub Division, West Godavari District, which they purchased by way of registered sale deed bearing No.3048/2012, dated 17.04.2012. It is stated that the petitioners intended to construct a small house for their dwelling in the said land. While things stood thus, the official respondents are alleged to have visited the land on 14.06.2012, objected the petitioners from dumping construction material, at the instance of local politicians and also threatened them to dispossess from the said land. Aggrieved thereby, the present Writ Petition came to be filed.

On 25.06.2012, this Court, while issuing notice before admission, granted interim stay of dispossession, except in accordance with law.

The respondents filed their counter affidavits denying the allegations made in the Writ Petition. In the counter affidavit filed by respondent Nos.1 to 4, while admitting that the petitioners own plot No.5 admeasuring 64.75 square yards site by registered sale deed bearing document No.3048/2012, the respondents submit that the allegation of respondents in trying to interfere with the petitioners land is incorrect and the said land is private land. It is further stated that if the land is required for any public purpose, the same shall be acquired in accordance with the provisions of law. Further, para No.5 of the counter affidavit filed by respondent No.5 reads as under:

“..the House site said to have been purchased by the petitioners are adjacent to the feeder canal. This respondent after receiving the notice in the above writ petition personally visited the premises and found that the petitioners encroached upon the feeder canal about 2 to 3 feet of the land of feeder canal. Hence, it is crystal clear that the petitioners are encroached some of the land of the feeder canal. The petitioners are also trying to make constructions in the encroached portion under the guise of the sale deed without obtaining any permission from the Gram Panchayat”.

Having regard to the contents of the counter affidavits filed by the respondents, the Writ Petition is disposed of directing the respondents not to dispossess the petitioners from the land in dispute in the Writ Petition, without following due process of law. No costs.

Consequently, the Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

18.01.2016

vhb