

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.1393 OF 2011

ORDER

The case of the petitioners is that they are in possession and enjoyment of the small extents of house site plots comprising in Sy.No.407/2 of Annavaram Village. They occupied the said plots long back in 1972 as the Government of Andhra Pradesh acquired the same for provision of house sites to the poor by passing an award under the provision of Land Acquisition Act by the 2nd respondent-RDO herein. They have obtained electricity and water connections for the constructions raised by them in the said land and were also issued photo identity cards by the then Mandal Revenue Officer, Jaladanki. While so, without issuing any notice, the 3rd respondent at the instance of the 4th respondent is trying to evict the petitioners. Aggrieved by the same, the present writ petition is filed.

Counter affidavit is filed by the 3rd respondent stating that the land admeasuring Ac.2.14 cents in Sy.No.407/1 of Annavaram Village was acquired by the 2nd respondent for the purpose of providing house sites to the poor SC families of Annavaram Village. Accordingly, the said land was distributed to 37 poor SC families of the village vide proceedings in Rc.B5/1635/1977 dated 20.10.1977 by the then Tahsildar, Kavali-3rd respondent. Having noticed violations on the part of the original assignees, the 3rd respondent issued proceedings dated 26.08.2010 and resumed the house site pattas issued by the then Tahsildar vide proceedings dated 20.10.1977, for allotment of the same to the poor SC families who

are in need of them. It is also stated that 9th petitioner who filed a petition dated 02.08.2010 before the 1st respondent for grant of house site patta in Sy.No.407/2 of Annavaram village was found to have own house in S.C.Colony and therefore he was issued necessary endorsement dated 20.08.2010. It is further stated that the official respondents are not interfering with the possession of house site plots of the petitioners as alleged by them.

This Court granted interim order on 28.01.2011 directing the respondents not to interfere with the petitioners' possession except in accordance with due procedure laid down by law.

Heard the learned counsel for the petitioners who reiterated the averments in the writ affidavit and the learned Assistant Government Pleader for Revenue.

Since in the counter affidavit it is specifically stated that the respondents are not interfering with the possession of house sites of the petitioners in Sy.No.407/2 and that they are not trying to allot the same to the 3rd parties, this writ petition is disposed of directing the official respondents not to dispossess the petitioners, without following due process of law. No costs.

As a sequel, miscellaneous petitions pending if any, shall stand closed.

A.RAJASHEKER REDDY,J

Date: 18.10.2016

dv