

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.7683 of 2012

ORDER:

It is the case of the petitioner that he was granted house site patta in plot No.1, admeasuring 120 square yards in layout No.865/1A1A2A1 of Kandukuru Town and Municipality, Prakasam District, *vide* proceedings in RC.No.561/01, dated 09.01.2004. The petitioner is in occupation of the said property since 1989. Respondent No.3, at the instance of respondent Nos.1 and 2, threatened the petitioner on 15.02.2012 to dispossess him from the said land. The petitioner filed W.P.No.4440 of 2012 challenging the highhanded action of respondent No.3. This Court disposed of the said writ petition on 17.02.2012 directing respondent No.3 not to dispossess the petitioner without following due process of law. In spite of the said order, when respondent No.3 issued notice, dated 09.03.2012, asking the petitioner to remove the Tea Bunk and Tent in plot No.1, the present writ petition was filed.

This Court by order, dated 20.03.2012, granted interim suspension of the impugned notice, dated 09.03.2012, as the petitioner is in possession of the said plot.

A counter-affidavit is filed by respondent No.3 stating that the petitioner was not granted patta in respect of the land admeasuring 120 square yards in Plot No.1. The Mandal Revenue Officer, Kandukuru *vide* letter, dated 05.02.2013, addressed to the learned Government Pleader for Revenue, informed that the land admeasuring 365 acres in layout No.865/1A1A2A1 of Kandukuru is classified as village site poramboke as per village records. The

petitioner occupied 120 square yards opposite to the Government Hospital, which is centrally located in the Town, and unauthorisedly running a Hotel and Tea Bunk thereon. No house site patta was granted in favour of the petitioner. In those circumstances, the impugned notice, dated 09.03.2012, was issued asking the petitioner to vacate the plot in question.

In view of the above rival contentions, this Court is not in a position to decide the title of the petitioner. Since the impugned notice, dated 09.03.2012, is issued asking the petitioner to vacate the premises on the ground that the Mandal Revenue Officer, Kandukuru stated that no patta was granted to him, liberty is given to the petitioner to submit a copy of the patta issued in his favour along with the explanation for his continuance in the said plot, within a period of four weeks from the date of receipt of a copy of this order. Respondent No.3 shall consider the documents filed by the petitioner and the explanation submitted by him and pass appropriate orders thereon in accordance with law. This exercise shall be completed within three months from the date of receipt of a copy of this order. Till such time, no action shall be taken for dispossessing the petitioner from the plot in question.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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

A.RAMALINGESWARA RAO,J

Dt:06.12.2016
kdl

