

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.2073 of 2011

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, for the following relief:

“To issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents 1 and 2 in initiating proceedings in A.D.O. L.T.R. No. 03/2011 dt. 10.1.2011 under the provisions of the Regulation 1 of 1959 as amended by Regulation 1 of 1970 to evict the petitioner in an extent of Ac. 0.03 cents situated in S.No. 22 of Maredumilli Village, Maredumilli Mandal, East Godavari District as highly illegal, arbitrary, unjust, improper, and in violation of the principles of natural justice and consequently set-aside the same.”

2. Heard Sri Badana Bhaskara Rao, learned Senior counsel appearing for the petitioner and the learned Government for Social Welfare for the respondents.

3. According the petitioner, he is the absolute owner and possessor of the land admeasuring Ac.0.03 cents situated in Sy.No.22 of Maredumilli village, Maredumilli Mandal, East Godavari District. It is further stated that on the request made by the petitioner for permission to construct a new house, the Gram Panchayat, Maredumilli passed a resolution, permitting the petitioner to construct a new house. On the complaint made by the second respondent, the first respondent issued a notice in Form-E in A.D.O.L.T.R No.03/2011, dated 10.01.2011 to one Sri Pudikota Harikrishna. According to the learned counsel, the said person is nothing to do with the subject property and it is the further submission of the learned Senior Counsel that the respondents herein did not issue any notice and the proposal to hold enquiry in the absence of the petitioner is impermissible.

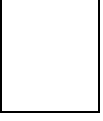
4. A counter affidavit deposited by the Revenue Divisional Officer, Rampachodavaram is filed, stating *inter alia*, that the petitioner in the writ petition and the respondent in the A.D.O.L.T.R.No.3 of 2011 have opportunity to submit their explanation to the impugned notice and put forth the documentary evidence and other facts, if any, in support of their rights. It is further stated that the present writ petition is a premature one.

5. Having regard to the said averments made in the counter affidavit filed by the Revenue Divisional Officer, Rampachodavaram, this Court deems it appropriate to permit the petitioner herein to file necessary application before the first respondent seeking his impleadment in A.D.O.L.T.R. No.03/2011 and to participate in the enquiry.

6. For the aforesaid reasons, writ petition is disposed of, permitting the petitioner to file necessary application for his impleadment in A.D.O.L.T.R. No.03/2011, within a period of one month from the date of receipt of a copy of this order, and if any such application is filed, the same be considered and appropriate orders be passed by the first respondent, in accordance with law. Till such, exercise attains finality, the interim stay order dated 04.02.2011 granted by this Court in WPMP.No.2550 of 2011 shall continue to operate. As a sequel, pending miscellaneous petitions, if any, shall stand disposed of. No costs.

A.V.SESHA SAI, J

Date:01.11.2016
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THE HON'BLE SRI JUSTICE A.V.SESHA SAI



Dated 01st November, 2016

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