

**HON'BLE SRI JUSTICE CHALLA KODANDA RAM**

**WRIT PETITION No.34911 OF 2016**

**ORDER:**

The writ petition is filed questioning the action of the respondents in trying to dispossess the petitioner from the land and building in R.S.No.179/3 of Tadepalligudem, West Godavari District without following the due process of law.

The case of the petitioner is that he is the absolute owner and possessor of the land over an extent of 500 sq. yards R.S.No.179/3 of Tadepalligudem, West Godavari District having purchased the same for valuable consideration under two different sale deeds dated 09.08.1988 and 11.11.1988 and on application, the 3<sup>rd</sup> respondent accorded the permission for construction of ground plus first floor and accordingly the petitioner had constructed the building and enjoying the same peacefully by paying the necessary taxes. It is further stated that adjacent to the construction of the petitioner's building on the Southern side site was existed between road leading to FCA colony road and petitioner's house and the said site is ear marked as road margin. When the said site is subjected to encroachment, the petitioner lodged complaint with the 4<sup>th</sup> respondent and on his complaint the respondents 2 and 4 have taken steps to evict the encroachers. While the matter stood thus, as a counter-blast to the complaint made by the petitioner against the encroachment on the road margin, the respondents herein are trying to dispossess the petitioner from the land on the ground that the land of the petitioner purchased under registered sale deeds is subject matter of civil litigation between the private party and the Government and thus the respondents are trying to evict the petitioner without following the due process of law. Hence, the present writ petition.

Learned counsel for the petitioner submits that the respondents-authorities are making hectic efforts to dispossess the petitioner from the premises in question even without following the due process of law.

Learned Government Pleaders for Municipal Administration & Urban Development and Revenue submit that the allegations made by the petitioner are false. If really the petitioner is to be evicted, the respondents-authorities would follow the due process of law and appropriate steps would be taken in accordance with law.

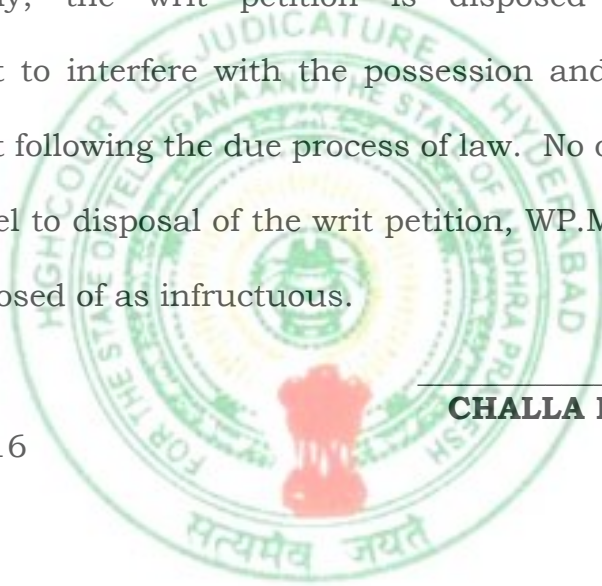
In the light of the submissions made by the respective counsel and in view of the admitted facts of the case that the petitioner is in possession and enjoyment of his premises, his possession shall not be interfered with by the respondents-authorities without following the due process of law as enjoined whether under the Land Acquisition, Rehabilitation and Resettlement Act, 2013 or in any other law.

Accordingly, the writ petition is disposed of directing the respondents not to interfere with the possession and enjoyment of the petitioner except following the due process of law. No order as to costs.

As a sequel to disposal of the writ petition, WP.M.Ps if any pending shall stand disposed of as infructuous.

Dated:19.10.2016  
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**CHALLA KODANDA RAM, J**



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