

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

FRIDAY, THE TWENTY SECOND DAY OF APRIL TWO
THOUSAND AND SIXTEEN

Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.34205 of 2012

Between:

Palaparthi Dasaradhudu,
S/o. Late Kannayya, 58 years,
Employee,
R/o. Mandapeta Town & Mandal,
East Godavari District & another

.. Petitioners

AND

The Mandapeta Municipality,
Mandapeta, East Godavari District,
Rep. by its Commissioner & another

.. Respondents

The Court made the following:

—

-
-
-
-
-
-
HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.34205 of 2012

-
ORDER:

The petitioners claim to be the owners of tiled house bearing Door No.1-4-9 (Old D.No.1-4-2) in R.S.No.533/5 & 6, II Ward of Mandapeta Town, East Godavari District. The petitioners claim to have purchased the said property by virtue of two Sale Deeds, dated 02.07.2009, from the original owner. The subject property is a vacant house plot. Apprehending that the respondents are taking coercive action to dispossess the petitioners, this writ petition is filed.

2. As seen from the averments filed in support of the writ petition, no notice was served on the petitioners nor any order intending to take possession of the property. This Court, by order, dated 02.11.2012, directed the respondents not to interfere with the subject property of the petitioners, except by following the due process of law.

3. In the counter affidavit filed on behalf of the second respondent, it is averred that the subject property is a Government land. A detailed exercise was undertaken to verify the relevant records. A report was required to be filed before the Lokayuktha on a complaint given by third parties and in the process of filing the report, records were verified and found that it

is a Government land. The counter affidavit is silent as to the action proposed to be taken or already taken against the petitioners.

4. Having regard to these facts, learned counsel for the petitioners fairly submits that if a notice is issued to the petitioners by the second respondent, they would place on record all the relevant documents in support of their claim that the subject property belongs to them and title has validly passed on to them from the previous owner.

5. In view of the submissions made by the learned counsel for the petitioners, the second respondent is directed to cause notice on the petitioners regarding the status of the land. He shall also supply, along with the notice, all the relevant documents in support of the claim of the Government as stated in the counter affidavit that the subject land belongs to Government and that the petitioners are in unauthorized occupation and the alleged purchase made by the petitioners is not valid in law. On receipt of such notice, the petitioners shall file their explanation within a period of three (3) weeks from the date of receipt of the notice along with all the relevant documents and they are also entitled to enclose all the documents relevant to support their claim that they are the owners of the property. On receipt of such explanation, if any, made, the second respondent shall pass orders, as warranted by law, duly considering the explanation and the documents and shall communicate the said decision to the petitioners. Until such orders are passed, the respondents shall not take any coercive action against the petitioners. It is made clear that if the petitioners do not file their explanation within the time stipulated, it is open to the respondents to take further course of action, as warranted by law. It is always open to

the petitioners to work out their remedies, if aggrieved by any decision of the second respondent. It is made clear that this Court has not expressed any opinion on merits.

6. With the above observations, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 22nd April, 2016

KL



HON'BLE SRI JUSTICE P.NAVEEN RAO

-
-
-

KL