

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No. 33059 OF 2012

ORDER:

Heard Sri G.V. Shivaji for petitioners and the Assistant Government Pleader for Assignment.

The petitioners pray for mandamus declaring the action of respondents in evicting them from the thatched houses put up in Sy.No.2147/1, Nadakuduru Gram Panchayat, Karapa Mandal, East Godavari District, without notice, as illegal, arbitrary and unconstitutional.

On 19.10.2012, this Court directed parties to maintain status quo. The 3rd respondent filed counter affidavit. The 3rd respondent objects to the possession and enjoyment of the petitioners on any portion of land in Sy.No.2147/1 and further states that as against six petitioners alternative house sites have been allotted to five petitioners. The counter affidavit reads as follows:

“During the year 1999, the then Mandal Revenue Officer, Karapa granted house site pattas in alternative Government land in Sy.No.47/3 of Nadakuduru Village in favour of three occupants since the encroachment of the said individual is objectionable. The details are as follows:

Sl.No.	Name of the pattadar	MRO, Karapa Ref.No.
1	Pamu Lakshmi, W/o. Apparao, 3 rd writ petitioner	B/44/1997, dated 31.10.1999
2	Pasala Suryavathi, w/o. Veeraraghavulu, 5 th writ petitioner Mother (Joint family)	B/44/1997, dated 31.10.1999
3	Chekatla Satyavathi, W/o. Venkatarao, 6 th writ petitioner Mother (Joint family)	B/44/1997, dated 31.10.1999

But, the above individuals have not occupies the site allotted to them and filed representation on 24.08.2012 to the Tahsildar, Karapa along with other writ petitioners requesting to grant house site pattas in the encroached land in Sy.No.147/1 of Nadakuduru Village. Since the encroached land vested with Gram Panchayat, the matter was brought to the notice of the Secretary, Gram Panchayat,

Nadakudur seeking permission. But, the Secretary, Gram Panchayat, Nadakudur has not given any permission and request to evict the encroachments as it is Punta Road which is intended for public purpose.

As such, the then Tahsildar, Karapa has granted alternate house site pattas to the two writ petitioners in the alternative Government land in Sy.No.47/3 of Nadakuduru Village and remaining one writ petitioner No.2, Smt. Anasuri Nookaratnam, W/o. V.V. Satyanarayana is the daughter-in-law to Smt. Anasuri Krishnaveni i.e., writ petitioner No.1. They are living in joint family (HUF). Hence, Smt. Anasuri Nookaratnam – writ petitioner No.2 has not eligible for grant of separate patta. The details are as mentioned below:

Sl.No.	Name of the pattadar	MRO, Karapa Ref.No.
1	Smt. Anasuri Krishnaveni, W/o. late Apparao, 1 st writ petitioner	B/411/2012, dated 28.08.2012
2	Vasamsetti Lakshmi, W/o. Late Dhanaraju, 4 th writ petitioner	B/411/2012, dated 28.08.2012

The writ petitioners were granted house site pattas in alternative Government land in Sy.No.47/3 and they have taken pattas.”

In view of the assignment of alternative house site pattas to five petitioners, Sri Shivaji submits that the 3rd respondent may be directed to handover copies of assignment and deliver actual possession of assigned plots and the petitioners may be granted reasonable time of one year to construct houses and are prepared to vacate the houses in Sy.No.2147/1. The Assistant Government Pleader does not oppose the request of petitioners.

I am satisfied that the writ petition can be disposed of by this order:

The petitioners are given liberty to represent to 3rd respondent by enclosing a copy of this order for handing over assignment orders with vacant possession of assigned plots and the 3rd respondent is directed to do the needful and give to petitioners assignment orders and possession within four weeks thereafter. The petitioners are further

directed to give undertaking before the 3rd respondent that from the date of taking actual possession of assigned plots they will voluntarily vacate from huts in Sy.No.2147/1. The time as prayed for is granted. The 3rd respondent is directed not to dispossess the petitioners for a period of one year from today.

Writ petition is disposed of as indicated above. No order as to costs.

Miscellaneous petitions, if any, shall also stand disposed of.

S.V. BHATT, J

Date: 10.08.2016

ES