

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.30639 of 2016

ORDER:

Heard Mr. M.M. Srinivasa Rao for petitioner and Assistant Government Pleader (Revenue).

2. The case of the petitioner, briefly stated, is that the third respondent through possession confirmation certificate Rc.No.147/2005 dated 08.05.2005 allotted house plot in an extent of 20 x 20 sq. yards in Sy.No.393/B at Holagunda Village and Mandal, Kurnool District. According to petitioner, the said certificate is subsisting as on date and the petitioner has not committed any breach even warranting cancellation of the same.

3. While matter stood thus, the petitioner apprehends that the third respondent, for extraneous reasons, is creating interest in subject plot in favour of a third party. The further complaint of petitioner is if at all the third respondent either intends to dispossess the petitioner or cancel the certificate, the petitioner is entitled to notice, hearing and communication of order by the respondent.

4. The Assistant Government Pleader contends that the writ prayer appears to be on mere apprehensions. The third respondent will certainly follow the procedure and cancel the certificate or resume possession of subject plot, if the petitioner has not constructed the house within time or not committed breach of conditions.

5. Though the prayer can be refused by observing that it is on mere apprehensions, still after perusing the affidavit, this Court is of the view that the third respondent, if carries out the threat expressed by petitioner, the petitioner suffers irreparable injury and loss. Hence, the writ petition is disposed of by order.

The third respondent is directed not to interfere with the right of possession and enjoyment conferred on the petitioner vide certificate bearing Rc.No.147/2005 dated 08.05.2005 except in accordance with law and only after communication of orders to petitioner. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

September 12, 2016
DSK



S. V. BHATT, J