

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.14332 OF 2009

ORDER:

Petitioner herein alleges illegal interference of the respondents with regard to the land admeasuring 242 sq.yards in D.No.5-2-13 situated in Sy.No.635-P of Gavaraveedhi, Vizianagaram.

2. Heard Sri T.D.Phani Kumar, learned counsel for the petitioner, learned Government Pleader for Endowments (A.P.) appearing for respondent Nos.1 and 2 and Smt K.Lalitha, learned Standing Counsel appearing for respondent No.3, and perused the material available before this Court.

3. According to the petitioner, she is the absolute owner and possessor of the above said land. The petitioner herein, in order to demonstrate her right over the subject property, placed reliance on the house site patta said to have been granted by the Mandal Revenue Officer, Vizianagaram *vide* proceedings in Rc.No.184/5-B3, dated 14.06.1985. She also placed reliance on the possession certificate issued by the Tahsildar, Vizianagaram in the year 2008 to show her possession over the subject property. While referring to the said documents, it is the submission of the learned counsel for the petitioner that despite the said documents, the respondents herein are interfering with the possession and enjoyment of the petitioner herein.

4. On the other hand, the respondents herein have filed counter-affidavits stating that the subject land belongs to respondent No.2 and the possession certificate given by the

Tahsildar is untenable. Curiously, nothing is stated against the house site patta granted in favour of the petitioner herein.

5. It is the further submission of the learned counsel for the petitioner that the respondents herein, even without issuing any notice, high handedly attempted to interfere with the possession and enjoyment of the petitioner herein and the same is in violation of Articles 21 and 300(A) of the Constitution of India.

6. In the considered opinion of this Court, the impugned action on the part of the respondent authorities in interfering with the possession and enjoyment of the petitioner herein in respect of the subject property without recourse to law cannot be sustained. In the present writ petition, this Court is not inclined to give any finding as to the validity or otherwise of the proceedings of the revenue authorities. At the same time, the respondents herein cannot interfere with the possession and enjoyment of the petitioner herein without recourse to law. However, it is open for the respondent authorities to proceed with the matter strictly in accordance with law.

7. With the above observations, this Writ Petition stands disposed of. There shall be no order as to costs.

8. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE A.V.SESHA SAI

Date : 14.11.2017
AMD

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