

HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.33453 OF 2013

ORDER:

The petitioners were assigned house plots by respondent No.2. According to petitioners, the assignments are subsisting as on date. The respondents without recourse to law are trying to interfere with the possession and enjoyment of petitioners. Hence, the writ petition.

On 22.11.2013, the following interim order was passed:

"There shall be interim direction not to dispossess the petitioners from the houses in their occupation in survey Nos.872, 872P, 873 and 874 of Burlavaripalem, hamlet of Vodarevu, Chirala Mandal, Prakasam District, except under due process of law and unless the house site pattas stated to have been granted in favour of the petitioners in the year 1999 have been cancelled".

The 2<sup>nd</sup> respondent has filed counter affidavit and does not dispute the assignment in favour of petitioners. It is further alleged that the assignees have sold the plots to third parties and the 2<sup>nd</sup> respondent is trying to protect the assignment or Government land. The apprehension expressed by the petitioners can be appreciated from the reply of 2<sup>nd</sup> respondent i.e., assignees have sold plots to third parties and the third parties are constructing houses on the assigned land. If the assignees have committed any breach of condition, it is always open to 2<sup>nd</sup> respondent to proceed in accordance with law, cancel assignment and resume possession from petitioners.

Hence, the writ petition is disposed of by directing 1<sup>st</sup> and 2<sup>nd</sup> respondents not to interfere with the petitioners' possession or enjoyment, except in accordance with law. There shall be no order as to costs.

Consequently, pending miscellaneous petitions, if any, stand closed.

S.V.BHATT, J

12<sup>th</sup> June, 2017

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