

HON'BLE SRI JUSTICE S.V. BHATT

W.P.No. 33390 of 2016

ORDER:-

The petitioner complains against the 3rd respondent in admitting to interfere with the petitioner's possession and enjoyment of an extent of Ac.0.06 cents of land in Sy.No. 126 of Chinna Logidi village, Pathapatnam Mandal, Srikakulam District, without following the procedure stipulated by law, as illegal, arbitrary and unconstitutional.

The petitioner, in support of her claim of possessing Ac.0.06 cents in Sy.No. 126, relies upon Ex.P1 – Possession Certificate No.138/ 2005, dated 30.03.2005. According to the petitioner, she is in possession of Ac.0.06 cents of land. This Court, on 30.09.2016, directed maintenance of *Statuo Quo* by both the parties.

The 3rd respondent filed counter affidavit and admits possession of the petitioner to a small extent of Ac.0.02 cents but disputes that the petitioner is in possession of Ac.0.06 cents in Sy.No. 126 with reference to Ex.P1. According to the 3rd respondent, the Certificate (Ex.P1) does not refer to the extent said to have been granted to the petitioner. The petitioner, having regard to the above discrepancy in the very certificate on which the petitioner is relying upon, cannot expect the Court to direct the respondents to follow procedure in respect of the disputed portion as well. To the

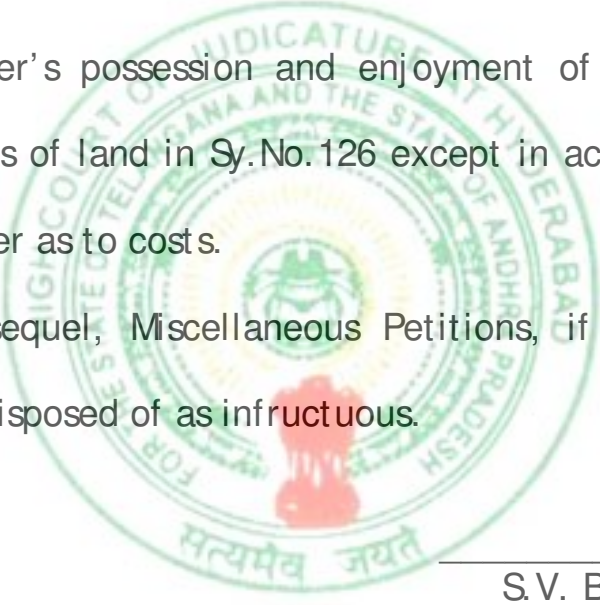
extent of admission of the petitioner's possession and construction of house in an extent of Ac.0.02 cents, there ought not to be any difficulty in considering and granting the relief.

The learned counsel for the petitioner could not satisfy the Court for continuing the order dated 30.09.2016 for the total extent.

Hence, the writ petition is disposed of by this order:

Respondent Nos.1 to 3 are directed not to interfere with the petitioner's possession and enjoyment of an extent of Ac.0.02 cents of land in Sy.No.126 except in accordance with law. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.



S.V. BHATT, J

25.07.2017

bcj