

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.20232 OF 2014

ORDER:

Heard Mr.P.Ram Bhoopal Reddy, learned counsel for the petitioners and the Assistant Government Pleader (Revenue) for the respondents.

2. The petitioners pray for the following relief:

“to issue writ of mandamus or any appropriate writ order or orders by declaring the action of the respondents in interfering with the lawful possession and enjoyment of the petitioners over their respective house site pattas in respect of Plot Nos.41, 42, 99 and 139 respectively in Sy.Nos.48/BA-1 and 48/BA-4 situated in Singareddipalli village, Penagaluru Mandal, YSR Kadapa District without either suspending or canceling the assignments of the petitioners as arbitrary illegal, unconstitutional. Opposed to principles of natural justice and also being violative of Articles 14 and 21 of the Constitution of India and consequently direct the respondents not to interfere with the lawful possession of the petitioners over their respective house site plots.”

3. On 18-07-2014, this Court granted interim direction restraining the respondents from interfering with the petitioners' peaceful possession and enjoyment of the subject house sites.

4. The respondents filed WVMP No.3066 of 2014 to vacate the interim order granted by this Court on 18-07-2014. The respondents are categorically denying the assignment on which, the petitioners are relying upon either in support of grant of house sites or enjoyment of respective house plots. After perusing the averments in the affidavit and the counter-affidavit, this Court is of the view that the issue involves enquiry and decision of existence or otherwise of assignment on which, the petitioners are relying upon. The denial of 4th respondent by filing the counter-affidavit cannot and could not be treated as final expression on the legality of pattas on which, the petitioners are relying upon.

5. Therefore, Mr.P.Rambhupal Reddy, learned counsel requests the Court to permit the petitioners to file appeal before the 3rd respondent on the discrepancy pointed out by the 4th respondent on the assignment and work out all the prayers before the 3rd respondent. His request is accepted.

6. The petitioners are given liberty to file an appeal against all the grievances *vis-à-vis* the subject matter of the writ petition within a period of four weeks from today and the 3rd respondent is directed to call for the records, enquire into the case pleaded by the petitioners and pass orders within a further period of two months thereafter. This Court, having regard to the disposal of the writ petition considers it appropriate to direct the parties to maintain *status quo* as regards possession and physical features of the subject matter of the writ petition for a period of three months.

7. Accordingly, the Writ Petition is disposed of. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

S.V.BHATT, J

DATED: 12-07-2017.

Hsd