

THE HON'BLE SRI JUSTICE S. V. BHATT

WRIT PETITION No.28247 of 2012

ORDER:

The petitioner prays for mandamus declaring the action of Respondent Nos. 2 & 3 in trying to dispossess petitioner from house site in an extent of Ac.0.03 cents in R.S.No.40/ 2A part, situated at Mareteru village, Penumantra Mandal, West Godavari district, alleged to be a Government poramboke land, under the complaint made by Respondents 4 & 5, as illegal, arbitrary, and for a further direction to Respondents not to interfere with the peaceful possession and enjoyment of the house site land of petitioner.

2. On 10.09.2012, keeping in view the documents on which the petitioner relied upon, this Court issued the following direction:

“Heard Sri P.V.S.A. RAMA MURTHY, learned counsel for the petitioner, Sri G. Eisha, learned standing counsel for respondents 2 and 3 and Sri P. Ramesh Raj Government Pleader for Panchayat Raj, for the 1st respondent. The petitioner claims the subject site to be assigned as house site on 05.07.1997 in respect of which he is paying taxes since then. The learned counsel stated that when the petitioner is attempting to submit a representation along with documents, respondents 2 and 3 are not receiving the same. Therefore, the petitioner is at liberty to submit a representation regarding subject site of the writ petition to respondents 2 and 3 along with all the relevant documents for consideration. On which, the respondents 2 and 3 shall pass appropriate orders in accordance with law after notice and giving reasonable opportunity of hearing to the petitioner and respondents 4 and 5 and any other persons interested and place the orders before this Court on the next date of hearing,

till which time they may not physically interfere with the property in question.”

3. Respondent No.3 filed counter-affidavit complaining that the petitioner has not complied with the directions issued by this Court and therefore the matter could not be proceeded with. The 3rd Respondent fairly admits the possession of petitioner over the subject matter of writ petition, and undertakes to examine the request of petitioner if made afresh in accordance with law.

4. Having regard to the reply of 3rd Respondent, I am satisfied that the writ petition can be disposed of by this order:

(a) The Respondents are directed not to interfere with or dispossess petitioner from subject matter of writ petition except in accordance with law.

(b) The petitioner is given liberty to apply to 3rd Respondent for grant of building permission, by enclosing a copy of this order, within six weeks from today.

(c) The 3rd Respondent, on receipt of such application, is directed to examine the request of petitioner, as undertaken by 3rd Respondent in Paragraph-11 of the counter-affidavit and pass orders.

5. With the above directions, the writ petition is disposed of. As a sequel, the miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

S. V. BHATT, J

February 9, 2017

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