

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.25817 of 2010

ORDER:

Heard Mr.Rayudu for petitioner and the Assistant Government Pleader for Assignment.

The petitioner prays for Mandamus declaring the threatened action of dispossessing the petitioner from Plot No.41 admeasuring Ac.0-03 cents (144 sq. yards) in Sy.No.506/1A5A, without recourse to law, as illegal, arbitrary and unconstitutional.

On 20.10.2010, this Court granted interim direction as prayed for.

The 3rd respondent filed petition to vacate the interim order accompanied by counter affidavit, dated 16.11.2010 and additional counter affidavit, dated 23.09.2016.

Mr.Rayudu, after taking note of the averments in the counter affidavit and also the allegations made against the petitioner, submits that the petitioner is satisfied if notice is given by either 2nd respondent or 3rd respondent, the grievances considered, orders passed including on the entitlement of petitioner for house plot or compensation, as the case may be. For such course, the respondents would be conforming to the requirements of Article 300-A of the Constitution of India. The procedure now followed by respondents, if is accepted, the

same is arbitrary and illegal and having regard to the stage of consideration of writ prayer, he submits that the respondents may be directed to issue notice to petitioner, afford opportunity and pass orders on the notice as well as on the request of petitioner.

The Assistant Government Pleader (Revenue) submits that the counter affidavit refers to the request of Mr. Rayudu. Hence, the respondents do not have objection to issue notice, afford opportunity, consider the request of petitioner and pass orders.

The statements of both the counsel are placed on record.

The writ petition is disposed of by this order.

(a) The parties are directed to maintain *status-quo* as regards possession and physical features of the subject matter of writ petition for a period of three months from today.

(b) Either 2nd respondent or 3rd respondent is given liberty to issue notice to petitioner on the subject assignment, receive explanation, afford opportunity and dispose of the notice within three months from today.

(c) The petitioner if is entitled for allotment of house plot in lieu of dispossession from the subject matter of writ petition, all steps necessary in

accordance with law are taken to allot another
house plot to petitioner.

Miscellaneous petitions, if any, pending, shall stand closed.

No order as to costs.

S. V. BHATT, J

Dt: 31.08.2017
Prv



