

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.19719 OF 2012

ORDER:

1. This writ petition is filed by the petitioner seeking to declare the action of the respondents in interfering with the peaceful possession of the petitioner over the land/shops admeasuring 111.0 sq. yards in Sy.No.38/1 Chitti Valsa Village, Bheemunipatnam Mandal, Visakhapatnam District, without following due process of law and without disposing of his representation for regularization of the above land, as arbitrary and illegal.

2. It is the case of the petitioner that he purchased a land to an extent of 222 sq. yards situated at Satyanarayana Peta Ward No.10 Block No.45, S.No.42/2 (old S.No.6/2) of Thagarapuvalsa Village in Bheemunipanam Municipality. Prior to his purchase, his vendor was using the open land situated on the Southern side of the said plot for ingress and egress to the plot and the sheds, which were raised on it. The petitioner has been in peaceful possession and enjoyment of the said open land ever since the date of purchase of the above land. He has been paying the taxes for the shops which are situated in the space of 111 sq. yards. On 26.11.2004, the 1<sup>st</sup> respondent passed eviction orders directing the petitioner to remove the encroachment over the subject land. Hence, the petitioner filed a writ petition viz., WP No.23444 of 2004 challenging the eviction order dated 26.11.2004 and this Court disposed of the said writ petition directing the respondents to consider the representation of the petitioner for regularization of the land in question in terms of G.O.Ms.No.515 dated 19.4.2003, while directing the respondents to maintain status quo, pending disposal of such representation. While so, due to change of the Commissioner of the Municipality, the 1<sup>st</sup> respondent is sending his

subordinates to close the shops that have been in existence for the last 40 years, without any reason. He also gave a representation on 15.6.2012 to the respondents to regularize the subject land. But without disposing of his representation, the respondents are trying to interfere with his possession over the subject land.

3. Heard and perused the material available on record.

4. The main grievance of the petitioner is that without passing any orders on his representation dated 15.6.2012 for regularization of the subject land, the respondents are trying to interfere with his possession over the subject land without following due process of law.

5. Considering the facts and circumstances of the case, without expressing any opinion on merits, this Court is inclined to pass the following order:

“The respondents are directed not to interfere with the possession and enjoyment of the petitioner over the subject land, without following due process of law. Further, they are directed to consider the representation of the petitioner dated 15.6.2012, if pending, in accordance with law.”

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

**JUSTICE RAJA ELANGO**

Dated: 24<sup>th</sup> January, 2017  
Nn.

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