

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.27260 OF 2017

Date: 16.10.2017

Between :

Kudapa Lakshmayya S/o Kudapa Samadu @ Somaiah,
Aged 87 years, Occu: Coolie, r/o. Lingapalem village
and mandal, West Godavari District.

.... Petitioner

And

The State of A.P., rep.by its Principal Secretary to
Government, Revenue Department, A.P. Secretariat,
Velagapudi, Amaravathi, Guntur District and others.

.... Respondents



This Court made the following :

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ORDER:

Alleging that respondents 4 to 6 are insisting to vacate the house site property of petitioner admeasuring Ac.0.05 cents in Sy.No.1-3 of Lingapalem village and mandal, West Godavari district, under the guise of urgent notice dated 27.07.2017, this writ petition is filed.

2. Heard learned counsel for petitioner, learned Government Pleader for Revenue (AP) for respondents 1 to 5 and learned Government Pleader for Home (AP) for respondent no.6.

3. According to learned counsel for petitioner, petitioner is absolute owner and in possession of property bearing plot no.57. On 27.07.2017, urgent notice was issued to petitioner, which was served on him on 28.07.2017 directing him to submit all the documents in support of his title claim on or before 31.07.2017. Petitioner claimed to have submitted his explanation on 29.07.2017. Alleging that forcibly respondents are trying to evict the petitioner without following due process and without considering his explanation, this writ petition is filed.

4. It is not in dispute that notice was issued on 27.07.2017 and petitioner filed his explanation to the said notice. In the notice, it was alleged that the land on which petitioner claims to be constructing a house is Government land and, therefore, if he has any proof to show that it is not a Government land to submit proof in support of his claim.

5. It is seen from the notice issued that what was sought by petitioner was in the form of preliminary exercise to find *prima facie* whether petitioner has valid title to the subject property.

6. Since petitioner has already submitted his explanation, this Court is not inclined to keep the writ petition pending. Accordingly, writ petition is disposed of, directing the Mandal Revenue Inspector (5th respondent) to examine the explanation offered by petitioner and take appropriate further action as warranted by law. It is made clear that till a decision is made, by following due process of law, no coercive action should be taken against petitioner.

Miscellaneous petitions if any pending in the contempt case shall stand closed. There shall be no order as to costs.

Date: 16.10.2017
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JUSTICE P.NAVEEN RAO

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