

HON'BLE SRI JUSTICE S.V.BHATT

W.P. No.19048 OF 2017

ORDER:

The petitioners pray for the following relief:

“...Writ in the nature of mandamus, declaring the action of the respondents in trying to interfere the construction activity and dispossess the petitioners from their house site vide door no 3-62 in Sy no 169/3 to an extent of 149.33 Sq yards of Tirupati Panchayat, Peddapuram Mandal, East Godavari District is illegal, arbitrary and unconstitutional and consequently restrain the respondents herein from in any way interfering with our peaceful possession and enjoyment of our house site vide door no 3-62 in Sy no 169/3 to an extent of 149.33 Sq yards of Tirupati Panchayat, Peddapuram Mandal, East Godavari District without following the due process of law...”

At request of Assistant Government Pleader (Revenue), the writ petition has been adjourned from yesterday to today. The Assistant Government Pleader (Revenue) places on record the written instructions dated 12.06.2017. After going through the written instructions, counsel for petitioners submits that the instructions refer to cancellation of patta standing in the name of petitioners and further that the respondents are prepared to give alternative plot to petitioners. To understand the submission of counsel for petitioners, the relevant portion of the written instructions is placed on record.

“The Mandal Surveyor, Peddapuram inspected the site and reported that the petitioner is in possession of Ac.0.01 cts. instead of Ac.0.03 cts. for which they obtained possession certificate, the boundaries shown by the petitioner and the boundaries noted in the possession certificate are not tallied. Hence, the Mandal Surveyor informed that he could not show the boundaries.

On verification of the site under dispute though the petitioner was issued possession certificate to an extent of Ac.0.03 cts., they are in possession of only Ac.0.01 cts., Moreover, the Gram Panchayat has resolved to form a road from this site to a layout consisting 15 beneficiaries in the newly formed layout adjacent to the site and the Gram Panchayat has offered alternate site to the petitioner for which the petitioner refused. It is further submitted that the petitioner is having own house in the village bearing D.No.4-2 under assessment No.201 and paying house tax to Grama Panchayat.

As the site for which possession certificate granted is a Government Poramboke site and required for public purpose i.e., for formation of road to newly formed layout and there is variation between the boundaries shown in the possession certificate and shown by the petitioner and more over the petitioner is having own house in the village as mentioned supra and as per the directions issued by the Revenue Divisional Officer, Peddapuram vide Ref.G/289/2017, dt.03.06.2017, the possession certificate issued to Sri Kunche Srinivasarao husband of the writ petitioner is cancelled in the interest of the public of the village.

In the circumstances explained above, I request that the above facts may kindly be brought to the notice of the Hon'ble High Court and see that the writ petition is dismissed at admission stage."

In view of the above, the writ petition is disposed of. Petitioners are given liberty to represent for allotment of alternative plot by enclosing a copy of this order. On such request being made, without loss of time, the 3<sup>rd</sup> respondent assigns plot and gives physical possession to petitioners.

No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V.BHATT,J

Date:14.06.2017

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