

THE HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.4827 OF 2016

ORDER:

Heard Sri M.S.R.Subrahmanyam for petitioners and Assistant Government Pleader for Revenue.

The father of petitioner, late Subbarao, occupied an extent of 875 square yards in T.S.No.31 in Warf Road, Kakinada more than eight decades ago and constructed a thatched house. Since then the petitioner is in possession and enjoyment of the house. The respondents without recourse to law are physically interfering with the possession and trying to dispossess the petitioner. Hence, the present writ petition is filed.

On 16.02.2016, this Court passed the following order:

“Mr. A.Pandu Ranga Rao, learned counsel appearing on behalf of respondent No.6 states, on instructions, that there is no interference whatsoever as alleged by the petitioner so far as respondent No.6 is concerned. He further states that if any action is warranted to be taken against the petitioner, respondent No.6 will follow the process of law.

In view of the above, the relief sought for against respondent No.6 does not survive. However, learned G.P. for Revenue and G.P. for R & B seeks time to get instructions”.

The respondents have not filed counter affidavit. The prayer of petitioner is limited to the extent of restraining respondents from interfering with the subject property without recourse to law.

After taking note of submissions, the material available on record and the interim order, dated 16.02.2016, it is evident that respondent No.6 is not interfering with the possession of petitioner.

Hence, the petitioner shall not be dispossessed of his house property as prayed for without giving him any notice and opportunity to file explanation.

This Court has not examined the merits of the matter. If at all circumstances warrant interference with the possession or enjoyment of house by petitioner, such action be in accordance with law.

The Writ Petition is accordingly disposed of. No order as to costs.

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

3rd July, 2017.
ssp

S.V. BHATT, J