

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.44862 of 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking a Writ of Mandamus declaring the action of the 2nd and 3rd respondent authorities in trying to demolish the petitioner's house bearing Dr.No.7-560, 498-3 in an extent of 72 sq. yards of Karlapalem Village and Mandal, Guntur District as illegal and arbitrary.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

3. It is the case of the petitioner that the petitioner purchased the petition schedule property from one Pulimi Chandra Shekar through a registered sale deed. The petitioner's vendors purchased the petition schedule property from Katuri China Narayana through a registered sale deed in the year 2008. The petitioner's vendor and the petitioner have been in possession and enjoyment of the petition schedule property since 50 years. The petitioner constructed the house in the petition schedule property and the third respondent Gram Panchayat allotted the Dr.Nos.7-560 and 498-3. While so, the respondents 2 and 3 without any right whatsoever made an attempt to demolish the houses of the petitioner.

4. The second respondent filed counter *inter alia* contending that they never made any attempt to demolish the houses of the petitioner. The respondents have taken a specific stand in the counter that respondents 2 and 3 will not interfere with the houses of the petitioner without following the due procedure.

5. In view of the undertaking given by the respondents 2 and 3, no further orders are necessary in this writ petition.

6. Having regard to the facts and circumstances of the case, respondents 2 and 3 are hereby directed not to interfere with the peaceful possession and enjoyment of the houses bearing Nos.7-560 and 498-3 of the petitioner without following due procedure as contemplated under law.

7. With the above direction, writ petition is disposed of. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

2nd May 2018,
Rns

T.SUNIL CHOWDARY, J

