

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 555 of 2018

Order:

It is the case of the petitioner that her father-in-law is the owner and possessor of a House bearing No.1-31 in R.S.No.374/10 in an extent of Ac.0-30 cents situated at Bethapudi village, Repalle Mandal, Guntur District. Her father-in-law had two sons and she has married the younger son. Both the sons died. Her father-in-law died on 07.08.2008, whereas the elder son died on 18.01.2012. After the death of her father-in-law, the house was demolished and the property was partitioned between the husband of the petitioner and the sister-in-law of the petitioner on 04.05.2012 under a registered partition deed bearing document No.2551 of 2012. The husband of the petitioner was allotted Ac.0-15 cents of land in R.S.No.374/10. Thus, he was in possession of 726 sq. yards till his death on 14.04.2015. He died intestate. After the death of her husband, she and her only daughter succeeded to the said property. While so, the fifth respondent appears to have come to the property on 25.11.2017 and took measurements. When the petitioner enquired, it appears that he stated that the said land was needed for the purpose of construction of Anganwadi building and the petitioner has to vacate the same. In those circumstances, she filed the present Writ Petition.

Learned counsel for the petitioner submits that no proceedings were issued acquiring the said land and the land of an extent of 726 sq. yards situated in R.S.No.374/10 bearing Door No.1-31 in Bethapudi village, Repalle Mandal, Guntur District is the private property of the petitioner.

If the petitioner is having title to the said property, the Government cannot interfere with the same without following due process of law. In the circumstances, the Writ Petition is disposed of directing the

respondents not to interfere with the possession of the property without following due process of law. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

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A. RAMALINGESWARA RAO, J

Date: 19.01.2018

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