

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.12991 OF 2018

Dated:16.04.2018

Between:

P.Babji,
S/o.Bangarayya,
D.No.9-25-24,
Yadavapuramvari Street,
Kothapeta, Vijayawada (Urban),
Andhra Pradesh and others.

... Petitioners

And

State of Andhra Pradesh, rep. by its
Principal Secretary, Revenue Department,
Amaravathi, Guntur District and others.

... Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.12991 OF 2018****ORDER:**

Petitioners claim that they were granted house site Pattas long ago, but could not undertake construction of houses. Recently, they have undertaken construction, but the 3rd respondent – Tahsildar is interfering in peaceful possession and enjoyment of the house plots bearing Nos.281, 278B, 279 and 282. Learned counsel for the petitioners placed on record the order passed by this Court in W.P.No.35767 of 2017.

2. There are two aspects in this writ petition. One with reference to interference by the Revenue Authorities on assignment of Pattas, stated to have been granted to them and two, undertaking construction of buildings.

3. On second aspect, it is necessary to note that no building can be constructed without applying to the Municipal Authorities by enclosing the house plan of construction, even if the size of the plot is 100 square yards or less. As fairly submitted by the learned counsel for the petitioners, no such application was made to the Municipal Authorities.

4. With reference to the first aspect i.e., interference by the Revenue Authorities, no reasons are assigned as to why the Revenue Authorities would interfere. However, it is needless to observe that Revenue Authorities do not interfere unless the assignment Patta stated to have been granted is cancelled earlier or the Pattas claimed by the petitioners were not valid/granted or bogus. Without these contingencies fulfilled, Revenue Authorities cannot interfere without following due process as required by law.

5. Having regard to the above, this writ petition is disposed of, directing the Revenue Authorities not to interfere without following due process, if the Patta stated to have been granted to them is not cancelled. However, petitioners shall not make any further construction without applying to the Municipal Authorities by submitting the plans and inform them of the construction to be made in less than 100 square yards of plot. They shall obtain building permission unless relaxation is applicable before undertaking construction.

6. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

16.04.2018
SS

P.NAVEEN RAO, J

THE HON'BLE SRI JUSTICE P. NAVEEN RAO



WRIT PETITION No.12991 OF 2018

16th APRIL, 2018

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