

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

WRIT PETITION No. 9698 OF 2008

ORDER:

This Writ Petition is filed by the petitioner seeking a writ in the nature of *mandamus* declaring the action of respondent No. 2 in interfering and threatening to dispossess the petitioner from his possession and enjoyment of house site measuring Ac. 0.10 cents and residential house bearing door No. 4-74/1 situated in Venkatapuram Village and Mandal, Khammam District, under the guise of order dated 01-03-2008 in L.T.R. Case No. 2/VKP/2008 as illegal, arbitrary and consequently to direct respondent Nos. 1 and 2 not to interfere and dispossess the petitioner from the aforesaid house site and house.

2. The petitioner's case is that he is owning and possessing house site measuring Ac. 0.10 cents and house bearing door No. 4-74/1 situated in Gramakantam of Venkatapuram Village which was acquired by him from his father S.M.Thambi who in turn acquired the same by way of patta dated 25-04-1963 from the erstwhile Mahaldar, Venkatapuram Mahal, Khammam District. The said property does not come under the Andhra Pradesh Scheduled Areas Land Transfer Regulation 1 of 1970. While so, respondent No. 1 initiated proceedings in L.T.R. Case No. 2/VKP/2008 and issued statutory notice in Form-E on 03-02-2008 to the petitioner and called for his explanation within 15 days. Pursuant to the said notice, the petitioner attended in the office of respondent No. 1 on 15-02-2008. The case underwent several adjournments and on 12-03-2008,

respondent No. 1 served final order dated 01-03-2008 directing respondent No. 2 to cause ejectment of the petitioner including others from the property annexed in the schedule. The petitioner was neither shown as a respondent nor his property was shown in the schedule in that case but respondent No. 2, without considering and appreciating all these facts, under the guise of the order dated 01-03-2008, is trying to dispossess the petitioner. Hence, the Writ Petition.

3. The respondents filed detailed counter denying the petition averments. It is contended that the statutory notice dated 03-02-2008 in L.T.R. Case No. 2/VKP/2008 was issued to one Seeni Mohammed and six others upon representation of respondent No. 3 and the petitioner is not at all a party to the said proceedings. The notice that was issued to Seeni Mohammed was wrongly served on the petitioner and consequently, the petitioner engaged a counsel and got filed memo dated 15-02-2008 seeking time to file his counter and accordingly filed counter on 23-02-2008 contending his rights and title over the house site measuring Ac. 0.10 cents consisting house No. 4-74/1 as mentioned in the Writ Petition. Since the petitioner is not a party to the proceedings and therefore, his house was not included in the schedule of the order dated 01-03-2008 in L.T.R. Case No. 2/VKP/2008. The petitioner being a third party to the proceedings in L.T.R. Case No. 2/VKP/2008 as well as to the order dated 01-03-2008, he has no *locus standi* to file the present Writ Petition. The respondents denied the contention that respondent No. 2 is taking

proceedings against the petitioner to dispossess him from the petition mentioned house property under the guise of the order dated 01-03-2008.

4. Heard.

5. A perusal of the counter allegations would show that notice in L.T.R. Case No. 2/VKP/2008 was wrongly served on the petitioner and neither he nor his property was subject matter in the aforesaid case. Therefore, there is no truth in the apprehension of the petitioner that under the guise of the said order, the respondents are trying to evict him. The respondents specifically denied the apprehension expressed by the petitioner.

6. In view of the above circumstances, this Writ Petition is closed as there is no need of passing any order in it. Pending miscellaneous petitions, if any, shall stand dismissed in consequence.

24-08-2018.
JSK

U.DURGA PRASAD RAO, J.

