

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 18182 of 2017

ORDER :

Questioning interference by the respondent authorities with the peaceful possession and enjoyment of the petitioner over an extent of 60 square yards of site in Survey No. 65 of Chuchukonda Village, Munagapaka Mandal, Visakhapatnam District, including the construction work undertaken therein, this Writ Petition is filed.

This Court, entertaining the Writ Petition, on 07.06.2017, made a detailed order, the operative portion of which reads as under:

“ The Assistant Government Pleader for Assignment places on record the written instructions dated 06.06.2017. The written instructions referred to ongoing activity and issuance of show cause notice in this behalf. But written instructions are silent about the statement recorded on 29.05.2017. It appears, the show cause notice is issued because now the petitioner is constructing the house in the assigned plot.

In the considered view of this Court, an eligible beneficiary to whom the assignment was given, who has to pool up the strength and resources, ought not to be subjected to these type of restrictions or hassles. Further, by oral instructions calling upon the petitioner to stop the construction results in financial loss to the petitioner, which is never repaid by the respondents.

Notice before admission.

The respondents are directed not to interfere with the construction work of the petitioner.”

No counter-affidavit is filed in the matter. However, learned Government Pleader for Revenue submits that the Writ Petition can be disposed of in terms of the interim order dated 07.06.2017.

From the interim order dated 07.06.2017, it is discernible that the respondent authorities sought to interfere with the possession of the petitioner on account of the fact that she had not carried on the construction within the time stipulated. The same

can hardly be a reason and at any rate, since no proceedings have been taken in law for cancellation of the patta granted in favour of the petitioner, this Court is of the opinion that the action of the respondent authorities in interfering with her possession, is unsustainable.

Accordingly, the Writ Petition is allowed, in terms of the interim order dated 07.06.2017. No costs.

Consequently, the miscellaneous Applications, if any shall stand disposed of.

04th January 2018

ksld

CHALLA KODANDA RAM, J

