

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION No. 902 OF 2016

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner to declare the action of the respondents and their subordinates in attempting to interfere with the petitioner's possession with respect to the house site bearing plot No. 103 in survey No. 305/4 of Kallukunta Village, Peddakaduburu Mandal, Kurnool District, without following due process as illegal, arbitrary and in violation of principles of natural justice.

2. The petitioner is the beneficiary of assignment of house site and obtained patta for plot No. 103 in survey No. 305/4 of Kallukunta Village, Peddakaduburu Mandal, Kurnool District, and alleged that the respondents are trying to evict her forcibly without following due process of law.

3. Learned Government Pleader for Revenue (A.P.) would contend that the patta produced before the Court by the petitioner is fake and it was not issued by the authority and that therefore the petitioner is trespasser or encroacher of the Government land and prayed to pass appropriate orders.

4. It is an undisputed fact that the petitioners are in possession of the property either as trespasser or encroacher of the Government Land. Even the Government intending to evict the petitioner, who is in occupation of the property, the Government is bound to follow the procedure prescribed under Land Encroachment Act or under any other law which governed

for removal of such encroachment. Therefore, the respondents are not entitled to evict the petitioner forcibly, without following due process of law.

5. In the result, the Writ Petition is allowed directing the respondents not to dispossess the petitioner from the possession of plot No. 103 in survey No. 305/4 of Kallukunta Village, Peddakaduburu Mandal, Kurnool District, without following due process of law subject to genuineness of the patta allegedly granted in favour of the petitioner. Pending miscellaneous petitions if any shall stand closed in consequence. No costs.

18-04-2018.
JSK

M.SATYANARAYANA MURTHY, J.

