

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.29192 of 2018

ORDER:

1) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the fourth respondent in interfering with possession and enjoyment of the petitioner in respect of plot No.8 in Sy.No.13, to an extent of Ac.0.03 cents of Lingasamudram Village, Dakkili Mandal, as illegal, arbitrary and violative of principles of natural justice.

2) The averments made in the affidavit filed in support of the writ petition would show that the Mandal Revenue Officer, granted house site patta in favour of the petitioner in respect of the plot referred to above and he has been in possession and enjoyment of the same right from the date of assignment ie. 12.08.1995. Initially he claims to have raised a thatched house and started residing in the said house. As the said thatched house was in dilapidated condition, he started construction of a RCC building. At that stage, the fourth respondent started interfering with the construction. Challenging the action of the fourth respondent, the present Writ Petition came to be filed.

3) The Government Pleader for Revenue (AP) opposed the same stating that instead of constructing the building in the plot assigned to him, the petitioner started constructing the RCC building in a plot which is southern side to his plot, to which an

objection is raised by the Tahsildar. It is further stated that the petitioner also encroached on to one of the plots situated in the same survey number.

4) The fact that the petitioner was assigned plot is not in dispute. It is also not in dispute that initially the petitioner raised a thatched house. Having regard to the totality of the circumstances, the Writ Petition is disposed of at the admission stage, directing the fourth respondent not to interfere with the construction made by the petitioner in the plot assigned to him and in case, if the petitioner has encroached on to another plot and is raising RCC building in the said plot, the authorities are always at liberty to take steps in accordance with law.

5) Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

28.08.2018
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