

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

WRIT PETITION No.12654 OF 2014

ORDER:

The petitioner while seeking a writ of mandamus, questioning the action of the 4th respondent in allotting the house site to 5th respondent in an extent of Acres 0.02 cents in Survey No.1871 of Motumallela Revenue Village, Chittoor District, from out of the petitioner's land of Acres 0.41½ cents (wrongly mentioned as Acres 0.80 cents in the affidavit) as illegal, arbitrary and to pass necessary order.

2. The petitioner's case is that he got an ancestral property of Acres 0.41½ cents in Survey No.1871 along with other lands in Motumallela Revenue Village, Chittoor District and he obtained title deeds and pattadar passbooks and enjoying the said lands. However, the petitioner came to know that the unofficial 5th respondent Gukati Kalavathi of Bestappali hamlet of Motumallela Village filed a suit against the defendant before the Principal Junior Civil Judge, Piler, seeking permanent injunction, interfering with her peaceful possession and enjoyment of the said property alleging that she was granted house site patta by the 4th respondent vide File No.3153, dated 19.02.2014. After knowing the same, the petitioner made an enquiry and came to know that a house site patta was granted in Survey No.1871 in an extent of Acres 0.02 cents in favour of 5th respondent out of petitioner's

lands. The said issuance of patta in favour of the 5th respondent is contrary to law and no procedure was followed and no notice was issued to petitioner prior to the issuance of patta.

Hence, the writ petition.

3. Learned Assistant Government Pleader for Assignment takes notice on behalf of official respondents 1 to 4 and, on instructions, submits that no house site patta as alleged by the petitioner is so far issued in favour of the unofficial 5th respondent and if at all any such request is made by the 5th respondent, the said representation will be considered only after issuing prior notice to the petitioner and all concerned and by following due process and an order will be passed on merits.

4. Recording the above assurance given by the learned Assistant Government Pleader on behalf of respondents 1 to 4, this writ petition is disposed of. No costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

U.DURGA PRASAD RAO, J

30.11.2018
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