

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

WRIT PETITION No.29836 OF 2014

ORDER:

The petitioner seeks writ of *mandamus* declaring the action of the respondents in trying to dispossess her from the house site to an extent of Ac.0.03 cents bearing H.No.12-28 in plot No.2 and 3B, in Survey No.652/9, situated at Bodumalluvaripalle Village, Pileru Revenue Village and Mandal, Chittoor District, without issuing any notice or opportunity and without following due process of law, as arbitrary and illegal and consequently direct the respondents not to dispossess her from the aforesaid property, without following due process of law.

2. The petitioner's case, in brief, is that she is a landless poor person and on her representation, Government had initially allotted the land to an extent of Ac.0.002 cents in the aforesaid survey number vide proceedings No.VHS/480/1413/1403, dated 06.12.2003. As the Government had allotted Ac.0.003 cents of land each to other landless poor persons in that vicinity, the petitioner again made a representation to allot equal extent to her. On that the Government had allotted Ac.0.001 cents of land as plot No.3B in the aforesaid survey number vide patta, dated 25.03.2006, which land is adjacent to her earlier plot. Thus, the Government had granted in all Ac.0.003 cents of house site to the petitioner. Initially, the petitioner constructed a small hut in the said house site and later, she demolished the same and constructed a pucca house in an extent of Ac.0.002 cents leaving Ac.0.001 cent for using as cattle shed. The petitioner got electricity connection to the said house and the Gram Panchayat

concerned also allotted Door No.12-28 to her house. While so, on 27.09.2014, the officials of the 3rd respondent i.e., Village Revenue Inspector along with others had visited the house of the petitioner and declared that the subject land belongs to the Government and petitioner has to vacate the said house. The respondents have not issued any notice to vacate the house. Till date the respondent officials have not issued any notice in cancelling the pattas granted in favour of the petitioner earlier or any enquiry was conducted. Immediately, the petitioner rushed to the office of the 3rd respondent and requested him to give reasons for proposed demolition of the house. The 3rd respondent replied, since the house was constructed on the Government land, it has to be demolished. In spite of petitioner showing house site patta certificate granted by the Government, the 3rd respondent did not heed her. Hence, the Writ Petition.

3. Learned Government Pleader for Assignment, who takes notice on behalf of the respondent, did not choose to file counter so far.

4. When the matter came up for hearing, it is brought to the notice of this Court that the subject matter of the writ petition is squarely covered by the order, dated 13.03.2018, in W.P.No.898 of 2013 and also the common order, dated 31.10.2018, in W.P.Nos.3573 and 3704 of 2012.

5. In view of the same, this Writ Petition is also allowed in terms of the order, dated 13.03.2018 in W.P.No.898 of 2013.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE U.DURGA PRASAD RAO

DECEMBER 05, 2018

Note:

Registry to annex a copy of order, Dated 13.03.2018, in W.P.No.898 of 2013 to this order.

(B/o)
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Date:05.12.2018

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