

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 33322 of 2018

ORDER:

- 1) Heard learned counsel for the petitioner and Government Pleader for Revenue. With the consent of both the parties, the writ petition is disposed of at the admission stage itself.
- 2) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of respondent No.4 in trying to interfere with and disturb the possession of the petitioner in plot No.226, situated in Survey No.91/2, admeasuring Ac.0.03 cents of Thimmarajupalem village, Parchur Mandal, Prakasam District, as illegal and arbitrary.
- 3) The averments in the affidavit filed in support of the Writ Petition would show that the petitioner was granted patta on 03.07.1986, in respect of the aforementioned land. Subsequently, the petitioner raised a thatched house in the said property and has been living peacefully along with his family. While things stood thus, as his house got damaged due to rains, he shifted his residence to the adjacent village. It is stated that it has come to the notice of the petitioner that the respondent –authorities are taking steps to cancel the existing pattas at the behest of local politicians and trying to get the assignments made in their favour. It is the case of the petitioner that though he has been in peaceful physical possession of the subject property, the respondent authorities are trying to cancel the patta issued in his favour, without any jurisdiction. Hence, the action of respondent No.4 in trying to interfere with the property of the petitioner,

without issuing any notice or calling for any objection, is challenged in the present Writ Petition.

4) Learned Government Pleader for Revenue placed on record the written instructions received stating that the Writ Petition is filed only with a view to mislead the Court. According to her, notice was issued to the petitioner on 20.04.2015, which was served on him on 23.05.2015. An explanation came to be submitted by the petitioner on 02.05.2015. After considering the explanations received from the individuals, 104 house site pattas were cancelled vide proceedings Rc.B/246/2015, dated 04.06.2015, including the petitioner's house site patta. After canceling the house site pattas in the year 2015, new house site pattas were granted to eligible persons. Plot No.226 was also allotted to one Smt.Sk.Silarbhi, W/o.Mastanvali, vide DK.No.273/1427, dated 10.07.2018, in which she constructed a house. It is further stated that the petitioner has occupied another plot i.e., plot No.269 in the same Survey No.91/1A, 2 and without any sanction, constructed a house.

5) From the facts stated above, it is clear that the petitioner is not in possession of the property and the patta was cancelled in the year 2015 itself, which was later allotted to another person, who constructed a house. Hence, the request of the petitioner seeking a direction to the respondents not to interfere with the subject property would not arise. However, the learned counsel for the petitioner would submit that the petitioner is not aware about the said proceedings.

6) Accordingly, the Writ Petition is dismissed. However, the respondent – authorities shall communicate a copy of the order passed in

proceedings Rc.B/246/2015, dated 04.06.2015, at the earliest, to the petitioner.

7) Miscellaneous petitions, pending if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE C. PRAVEEN KUMAR

17.09.2018
vhh

