

HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No.36909 OF 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking verbatim the following relief:

“... to issue writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the 2nd respondent in not issuing No objection Certificate in favour of the petitioner for the House site in Plot No.75 in Sy.No.131/5 and 131/6 situated at Boravanipalem Village, Paradesipalem Gram Panchayat Visakhapatnam District as void illegal, arbitrary and unconstitutional and consequently direct the 2nd respondent to issue No objection Certificate in favour of the petitioner for the House site in Plot No.75 in Sy.No. 131/5 and 131/6 situated at Boravanipalem Village, Paradesipalem Gram Panchayat Visakhapatnam District and to pass such other order or orders as this Hon'ble Court may deem fit just and proper in the circumstances of the case.”

2. The only grievance of the petitioner appears to be that the respondent authorities are trying to dispossess the petitioner from the subject property without following due process of law.

3. Learned counsel for the respondents would submit that any action that may be taken by the respondents in respect of the subject property shall be in accordance with law. Learned Government Pleader for Revenue would further submit that 'No objection Certificate' as sought for by the petitioner cannot be issued, since the subject property is in the prohibited list enumerated under Section 22-A of the Registration Act, 1908.

4. Be that as it may, since the issue relates to interference by the respondents with the petitioner's possession over the subject property without following due process of law, the Writ Petition is disposed of directing the respondent authorities not to take any steps to dispossess the petitioner from the subject property, if she is in possession of the same, except in accordance with law.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

JUSTICE C.PRAVEEN KUMAR

October 11, 2018.
MD

