

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 36472 of 2018

ORDER:

1) Heard learned counsel for the petitioner, learned Standing Counsel for respondent No.5 and learned 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 respondents in trying to dispossess the petitioner from the subject property by threatening him to remove the temporary shed erected therein, without following due process of law, as illegal and arbitrary.

3) The averments in the affidavit filed in support of the writ petition would show that the petitioner claims to be the absolute owner of the residential property i.e., house plot admeasuring 100 square yards in Survey No.593, situated at Bachannapet – village and Mandal, Warangal District (presently Jangaon district), which was purchased through the registered sale deed vide doc.No.3869/2011, dated 05.12.2011, for a valuable sale consideration. The averments in the affidavit further shows that while one Ragiseti Abba Sailu and Ragiseti Jayaraj were trying to interfere with the property, the petitioner filed O.S.No.71 of

2015, before the Junior Civil Judge, Jangaon, which is pending consideration. Thereafter one Smt.Jilla Vijayalaxmi filed a suit for perpetual injunction against the petitioner. It is stated that the petitioner made an application to the District Collector on 25.01.2012, seeking permission to construct a house in the property. The said application came to be rejected and the application is also filed seeking to know the reasons for rejection. It is the case of the petitioner that the authorities are trying to dispossess the petitioner, without following due process of law.

4) Learned Standing Counsel for respondent No.5 would submit that if the petitioner is in possession of the property, any interference by the authorities would be in accordance with law.

5) Recording the statements made, the writ petition is disposed of directing the respondents not to dispossess the petitioner, if the petitioner is in possession of the property in dispute, except in accordance with law.

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

JUSTICE C. PRAVEEN KUMAR

08.10.2018
vhb