

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.38839 of 2018

ORDER:

The case of the petitioner is that he purchased house site to an extent of 364.27 square yards in Karnavaripalem area, Kanithi village, Visakhapatnam through a registered sale deed bearing No.200/2015, dated 20-01-2015 from one Sarisapalli Varalakshmi represented by her GPA holder P.Pydiraju and since then he is in possession of the same. Originally, the subject property was purchased by father of petitioner's vendor by name Shri Nagubali Pydithali on 22-06-1964. Said Nagubelli Pydithali purchased 42.00 cents of land and out of the same he sold 15 cents of land to one Bokka Krishna and 12 cents to one Matcha Venkata Ratnam and retained rest of land with him. After death of Naguballi Pydithalli, his wife by name Smt.Nagubilli Naga Sureedu executed a gift settlement deed in favour of vendor of the petitioner by name Sarisapalli Varalakshmi vide document No.3750/2004. It is also stated that when Matcha Venkata Ratnam tired to occupy the remaining part of land by creating fake document, vendor of the petitioner filed O.S.No.631 of 2004 seeking permanent injunction against him and said Matcha Venkata Ratnam also filed suit in O.S.No.1/2005 for the same relief. Both the suits were clubbed together

and common judgment was passed by dismissing the same. Again, Matcha Venkata Ratnam filed O.S.No.19/2008 before the VII Additional District Judge and said suit was dismissed. Against the same, said Venkata Ratnam preferred A.S.No.36 of 2014 and the same was also dismissed. It is also stated that when Matcha Venkata Ratnam dismantled the house in the property owned by brother of petitioner's vendor by name Nagubelli Naga Sridhar and petitioner's vendor by name Sirsapalli Varalakshmi, they lodged report before the police station and thereafter the matter was settled out of Court amicably and later in the year 2015, the subject property was sold to the petitioner. Recently, the officials of 3rd respondent visited the site of the petitioner and informed him that the subject property belongs to the government and threatening to evict the petitioner from the said property. Aggrieved by the same, the present writ petition is filed.

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Revenue.

In view of the facts and circumstances of the case, there shall be a direction to the respondents not to evict the petitioner from the subject property without following due process of law.

With the above direction, the writ petition is disposed of. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

30-10-2018
Nvl



