

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 40899 of 2018

ORDER:

1) The present Writ Petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondents 2 to 5 in trying to demolish the structures being made by the petitioner in an extent of Ac.0.04 $\frac{1}{2}$ cents in Sy.No.799/2 in Kadiri Municipal Limits, Ananthapuram District, without following due process of law as illegal, arbitrary and consequently direct the respondents 2 to 5 not to demolish the structures being made at the above property.

2) The facts in issue are as under:-

The petitioner herein claims to be the owner of the possessor of an extent of Ac.0.04 $\frac{1}{2}$ cents in Sy.No.799/2 in Kadiri Municipal Limits, Ananthapuram District. It is stated that he has submitted a representation to the 4th respondent to issue possession certificate in respect of the above land for making an application for construction of house. It is stated that basing on his representation, the 4th respondent issued a possession certificate and then he has commenced the construction with the financial assistance of the housing corporation. While things stood thus, the respondents 2 to 5 came to the subject building on 11.1.2018, to remove the constructions and when he reached to the

premises to resist the highhanded action, the officials left the place, threatening him that they will come with police force to demolish the same. This action of the respondent is came to be challenged in the present writ petition.

3) Sri M.D. Salim, learned standing counsel for respondents/Municipality took time to get instructions and submitted that the petitioner has no permission to raise the construction and infact he also occupied the kalva poramboke land thereby obstructing the flow of channel and the land in Sy.No.799/1 us a Government land and any constructions made therein are contrary to law.

4) However, the learned counsel for the petitioner disputes the same stating that the petitioner is having a valid permission to raise constructions over the said property and that he is so having title over the property.

5) Without going into the factual aspects, the present Writ Petition is disposed of directing the respondents to take action if there is any encroachment on the Government land or on the Kalva Poramboke, by following the procedure established under law instead of trying to take action in an arbitrary manner.

6) With the above observation, the Writ Petition is disposed of. There shall be no order as to costs. As a sequel to it, miscellaneous petitions pending if any, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

Dt:26.11.2018
GM

