

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.46429 of 2018

ORDER:

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

“to issue an appropriate Writ Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent No 4 in interfering with the petitioners rights over the House Plot Nos. 30 and 37B in an extent of Ac.0.01 Cents each in Sy.Nos.473 and 474/2 of Palmaner Municipality, 15th Ward, Madanapalli Road, Chittoor District, stating that the same is required for construction of B.C. Community Hall without following due process of law as arbitrary, illegal colorable exercise of power and contrary to the well established legal principles apart from being violative of the fundamental and Constitutional rights guaranteed to the petitioners under Articles 14, 19, 21 and 300A of the Constitution of India and consequently direct the respondent Nos. 2 to 4 not to interfere with petitioner's rights over the house plot Nos. 30 and 37B in an extant of Ac.0.01 Cents each in Sy.Nos. 473 and 474/2 of Palmaner Municipality, 15th Ward, Madanapalli Road, Chittoor District, with out following due process of law.”

2. Heard learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue appearing for respondents.

3. Learned Assistant Government Pleader for Revenue produced written instructions, wherein it is stated as follows:

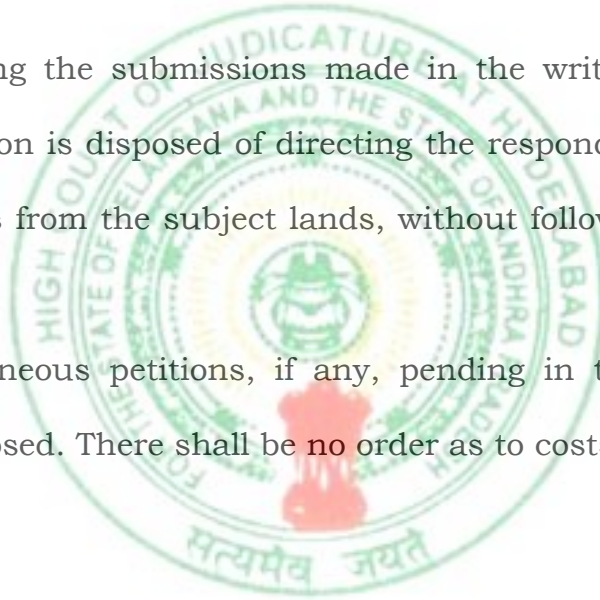
“I humbly submit that the Writ Petitioner in the Para 3 of the petition has stated that they have got house Plot Nos.30 and 37B respectively under Urban Housing Scheme in an extent of 0.01 cents each in Sy.No.473 and 474/2 of Palamaner Municipality, 15th Ward, Madanapalli Road, Chittoor District hereinafter referred to as the subject house plots through proceedings Roc No.A3.347/2007 and

Roc.No.938/M2, dated 13.8.2007 and 12.12.2007 since then the same are in possession and enjoyment by constructing the foundation and walls and stopped the construction because deficiency of funds and waiting for grant of housing schemes. It is fact that the Writ Petitioner No.1 Smt. Venkatamma has constructed a thatched hut in Plot No.30 in Sy.No.473 of Palamaner Revenue Village and the Writ petitioner No.2 Smt M.Parvathy has sanctioned House site patta and it is vacant at present.

I submit that the proposals have been submitted for construction of BC Community Building for Govt.Purpose in Sy.No.473/3 ext.0.15 cents of Govt.land in Palamaner Revenue Village and Mandal with excluding the Writ Petitioners house site plots.”

4. Recording the submissions made in the written instructions, the Writ Petition is disposed of directing the respondents not to evict the petitioners from the subject lands, without following due process of law.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.



A.RAJASHEKER REDDY, J

DECEMBER 21, 2018
YVL

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY



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Date:21.12.2018

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