

THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

WRIT PETITION No.5440 of 2023

ORDER:-

This Writ Petition for a mandamus is filed to declare the action of respondent Nos.2 to 4 in interfering with the possession of the petitioner in respect of the construction of a thatched house in an extent of 98.20 Sq. Yds covered by Sy.No.168/5 of Chinamusalivada of Pendurthi Mandal in Visakhapatnam District, in spite of regularizing the land in favour of the petitioner as per the proceedings, dated 23.07.2016, as illegal and consequently sought direction to respondents not to interfere with the possession of the petitioner in respect of the said land and the construction of the thatched house.

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Municipal Administration & Urban Development appearing for respondent No.1, Sri K. Madhava Reddy, learned Standing Counsel for respondent Nos.2 and 3 and learned Assistant Government Pleader for Revenue appearing for respondent No.4.

The petitioner claims to be the owner of the land in an extent of 98.20 Sq. Yds covered by Sy.No.168/5 of

Chinamusalivada in Visakhapatnam District. Originally, according to the case pleaded by the petitioner, she encroached on to the said land and has been in possession and enjoyment of the same. Thereafter, according to her, the said possession of the land was regularized in her favour as per the proceedings, dated 23.07.2016, issued to that effect.

Now, it is the case of the petitioner that she has been constructing a thatched house in the said land after issuance of the said regularization proceedings and now the respondents are making an illegal effort to interfere with her possession in respect of the said land without any valid reason.

Sri K. Madhava Reddy, learned Standing Counsel for respondent Nos.2 and 3 would submit that they did not interfere with her possession of the said land or the alleged construction of the thatched house and he would submit that respondent Nos.2 and 3 have only directed the petitioner to construct the said thatched house by following the rules in vogue.

Therefore, as it is stated that the respondents are not interfering with the possession of the petitioner in respect of the land or with the proposed construction and only advised her to construct the thatched house by following the procedure

prescribed under law, recording the aforesaid submission made on instructions by learned Standing Counsel for respondent Nos. 2 and 3, the Writ Petition is closed. The petitioner also shall proceed with the said construction of the thatched house by following due process of law. No costs.

Miscellaneous petitions, if any pending, in the Writ Petition, shall stand closed.

JUSTICE CHEEKATI MANAVENDRANATH ROY

Date: 06.03.2023
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