

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION NO.16181 OF 2021

ORDER:

This petition is filed under Article 226 of the Constitution of India seeking the following relief:-

“....to issue a Writ of Mandamus, declaring the inaction of the respondent No.1 for orally threatening to dispossess the petitioner without following due process of law of petitioners residential house bearing H No 8 118/5 of an extent of Ac 0 02 1/2 cents bounded by North House of Rasheeda Bee South House of Kandukuru Venkatamma East Road West House of Satheema Bee bearing plot No 55 situated at Namaz Katta Veedhi Valmikipuram Town Post and Mandal Chittoor District is illegal arbitrary unconstitutional and consequently direct the respondent No 1 to not to disposes the petitioner without due process of law and pass such other.”

2. It is the case of petitioner that the 1st respondent granted house site vide Roc.CY102/06, dated 15.04.2006 No.183/06 of an extent of Ac.0.02 ½ cents bearing Patta No.1748-1 with the following boundaries; North – House of Rasheeda Bee; South – House of Kandukuru Venkatamma; East – Road and West – House of Satheema Bee, Plot No.55 and issued Possession Certificate. The petitioner constructed a house in the said site and residing therein. The property was assessed to tax vide Assessment No.1669 and the petitioner is paying house tax and electricity consumption charges regularly. While things stood thus, the 1st respondent and his staff visited the house of petitioner on 27.07.2021 at 11.00 AM and demanded her to vacate the house to allot the same to third parties though the petitioner did not violate the conditions of patta. Therefore such action of the respondents in trying to evict the petitioner from the land is arbitrary and illegal and requested to issue a direction as stated above. The petitioner has also filed additional documents in I.A.No.2 of 2021 and they are received by the office.

3. Learned Assistant Government for Revenue placed on record the written instructions in Roc.D.T/79/2021, dated 05.08.2021 received from the office of Tahsildar's office, Valmikipuram, wherein it is stated as follows:-

"In this connection, it is submitted that the land in Sy.No.1748/1 measuring an extent of Ac.146.25 cents was originally classified as Gayalu according to A Register. The petitioner has stated that she was said to be granted house site patta vide Roc.C/102/06, dated 15.04.2006 & No.183A/06 for an extent of Ac.0.025 cents bearing Patta No.1748/1 of Valmikipuram Village. But, on perusal of house site register, the said house site patta details were not carried out in petitioner's name. Hence it is suspicious one. The writ petitioner has constructed a house (two storied) in the petition schedule land. As per the information ascertained from the Panchayat Secretary, Valmikipuram, it is revealed that the writ petitioner has paid house tax vide Assessment No.1669 for the house bearing D.No.8-148.

Further it is submitted that the staff of this office/Village Revenue Officer, Valmikipuram have neither instructed the petitioner to vacate the house nor interfered with the peaceful possession and enjoyment of the petitioner's residential house and the allegations made are baseless and false."

4. Heard both counsel.

5. As per the material available on record the petitioner is in possession and enjoyment of the property, constructed a house, paying tax for the residential house to gram panchayat and electricity consumption charges. Tax receipts and electricity bills are placed on record to substantiate the same. Even otherwise, the respondents specifically stated that as per the instructions received from the Tahsildar, Valmikipuram that the petitioner paid house tax vide Assessment No.1669 for the house bearing D.No.8-148 and that the staff of the Village Revenue Officer, Valmikipuram have neither instructed the petitioner to vacate the house nor interfered with the peaceful possession and enjoyment of the petitioner over the residential house.

5. Thus, the respondents themselves admitted that the petitioner is in possession and enjoyment of the property and that they never tried to interfere with petitioner's possession and enjoyment of the property. Hence, the writ petition is closed, recording the submission of learned Assistant Government Pleader for Revenue. There shall be no order as to costs.

As a sequel thereto, interlocutory applications in this writ petition pending if any, shall stand closed.

JUSTICE M. SATYANARAYANA MURTHY

Date: 03.09.2021

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