

**THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY**

**WRIT PETITION NO.21830 of 2021**

**ORDER:**

This writ petition is filed under Article 226 of the Constitution of India 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 respondents 3 to 5 in resorting to evict the petitioner from his house admeasuring 96 sq.yards situated in H.No.1-142/1, Dammennu Village, Undrajavaram Village, West Godavari District as illegal, arbitrary and against to the principles of natural justice and consequently direct the respondents not to interfere with petitioner peaceful possession and enjoyment over the above mentioned house site of the petitioner”.

The case of the petitioner is that he constructed a small thatched house in an extent of Ac.96 square yards in R.S.No.78 of Dammennu Village, Undrajavaram Mandal, West Godavari District and the Tahsildar, Undrajavaram Mandal issued house site possession certificate vide proceedings in Roc.No.1069 of 2016(DT) dated 10.03.2017. While so, the respondents 4 and 5 frequently visiting the house of the petitioner and trying to take possession of the land from the petitioner. The petitioner personally approached Respondent No.3 and requested not to take any coercive steps against the petitioner house. But the 3<sup>rd</sup> respondent did not heed to his request. Hence, the Writ Petition.

During hearing, learned counsel for the petitioner, without touching the merits of the case, requested this Court

to issue a direction to the respondents not to dispossess the petitioner from his property without following due process of law.

Whereas, the learned Government Pleader for Revenue placed on record, the written instructions received from the Office of the Tahsildar, Undrajavaram wherein it is stated as follows:-

*“ In this connection I submit, possession certificate for 96 sq.yards in village site in the name of Sri Peta Srinu has been issued vide Roc.No.1069/2016/DT, dated 10.03.2017 by the Tahsilar, Undrajavaram and he is in possession and enjoyment till date.*

*Finally, I submit that the petitioner herein has misrepresented the facts that the respondents are trying to dispossess him from 96 sq.yards for which possession certificate has been given by the Tahsidlar, Undrajavaram. It is not true tha the respondent authorities are trying to take away 24 sq.yards as per the present rules, which is not possible and absurb. The petitioner herein has filed this affidavit with false apprehension only.*

Recording the submission of the learned Assistant Government Pleader for Revenue, the Writ Petition is disposed of directing the respondents not to dispossess the petitioner from the subject property, except by due process of law. No costs.

The miscellaneous petitions pending, if any, shall also stand closed.

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**JUSTICE M. SATYANARAYANA MURTHY**

29.09.2021  
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