

HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO

WRIT PETITION No.9473 of 2023

ORDER:

The 1st petitioner claims ownership of Ac.0.02 cents of land in plot No.176 and 2nd petitioner claims ownership of Ac.0.02 cents of land in plot No.175 by virtue of the allotment proceedings of the Tahsildar, Amalapuram on 21.08.2018, in Sy.No.1022/1 and 906/1 of Kamanagaruvu Village. The petitioners have approached this Court, being aggrieved by the action of respondents 5 and 6 in stopping constructions being carried out by the petitioners in these two plots of land. It is the case of the petitioners that they are entitled to construct their houses in this land and consequently they would also be entitled to merge both the plots and build a single house on the plot of land. The petitioners contend that the action of respondents 5 and 6 in seeking to stall such construction is arbitrary, highhanded and violative of rights and principles under Articles 14, 19, 21 and 300-A of Constitution of India.

2. Sri N.Sri Hari, learned counsel for 6th respondent has produced the written instructions, given by the Panchayat Secretary of the 6th respondent on 25.04.2023.

3. A layout plan said to have been given by the Deputy Tahsildar, Amalapuram is also attached to these written instructions. It is stated, in these instructions, that the layout consists of only 168 plots and there are no plots with the numbers 175 and 176 in the said layout. It further states that no building permission was taken for construction of the said house.

4. The learned Government Pleader for Revenue has also produced written instructions from the Tahsildar, Amalapuram in which it is stated that pattas were given only for 168 plots and there is no record of any patta granted for plots 175 and 176.

5. Sri T.V. Jaggi Reddy, learned counsel for the petitioners would submit that even in such circumstances, the petitioners would be entitled to a notice and an opportunity of hearing, before any coercive steps are taken against the construction being made by the petitioners.

6. In view of the aforesaid submissions, this Writ Petition is disposed of with a direction to respondents 5 and 6 not to take any coercive steps against the petitioner, except in accordance with law and after giving due opportunity of hearing to the petitioners. There shall be no order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

R. RAGHUNANDAN RAO, J.

26.04.2023

RJS

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