

THE HON'BLE SRI JUSTICE NOUSHAD ALI

WRIT PETITION No.33844 OF 2010

BETWEEN:

1. G. Jagadeeswara Reddy and another

PETITIONERS

And

The Greater Visakhapatnam Municipal Corporation,
Rep. by its Commissioner, Visakhapatnam.

RESPONDENTS

Counsel for the petitioner: Sri K. V. Subrahmanya Narasu

Counsel for the respondent: Sri N. Ranga Reddy

The Court made the following order:

ORDER:

The writ petition is disposed of at the admission stage with the consent of the learned counsel for the petitioners and Sri N. Ranga Reddy, learned Standing Counsel for the respondent.

The petitioners claim that an extent of Acs.1.50 cents situated in S.No.46 of Maddilapalem village, Visakhapatnam District is their ancestral property, which was purchased by their grand-father under a registered document dated 25.11.1930. Out of the said land, after disposing of some extent of land, the petitioners have retained 500 sq. yards and the same is in their possession. The petitioners complain that the respondent without having any manner of right has started digging the land for the purpose of making some constructions. The legal notice dated 3.08.2010 calling upon the respondent not to proceed with the construction did not yield any result. Complaining that the respondent cannot either dispossess or interfere with their possession without following due process of law, the petitioners have filed this writ petition.

Indisputably, the petitioners are the owners and possessors of the land admeasuring an extent of 500 sq. yds in S.No.46 of Maddilapalem village, Visakhapatnam District. The respondent has not initiated any action either under the Land Acquisition Act, 1894 or under any other provision of law to enter the said land or making any constructions thereon. It is well settled that no person shall be deprived of his property except by due process of law.

In the circumstances, this writ petition is disposed of directing the respondent not to make any constructions on the aforesaid land or

interfere with the possession of the petitioners in respect of the said land without following due process of law.

The writ petition is accordingly disposed of. There shall be no order as to costs.

NOUSHAD ALI, J.

31st December, 2010
Js.