

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION NO.7777 of 2020

ORDER:

1. This writ petition is filed under Article 226 of the Constitution of India questioning the action of 3rd respondent in trying to dispossess the petitioner from house bearing D.No.147 in Sy.No.342/B to an extent of Ac.0.11 cents situated in Thamballagondi village, Atluru Mandal, YSR Kadapa District, without issuing any notice and following due process of law, declare the same as illegal, arbitrary, without jurisdiction and violative of Articles 14, 19(1)(g), 21 and 300-A of Constitution of India, consequently direct the respondents not to dispossess the petitioner from house bearing D.No.147 in Sy.No.342/B to an extent of Ac.0.11 cents situated in Thamballagondi village, Atluru Mandal, YSR Kadapa District.

2. 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 the subject house without following due process of law.

3. The learned Assistant Government Pleader for Revenue, admitted that the petitioner is continuing in possession of the house, requested to pass appropriate orders.

4. Admittedly, the petitioner is in possession and enjoyment of the property. When the petitioner is in settled possession and enjoyment of the property, he cannot be dispossessed, except by due process of law, in view of the law declared by the Apex Court in ***“Rame Gowda (dead) by L.Rs. v. M.Varadappa Naidu (Dead) by***

L.Rs.¹”. Therefore, the respondents are directed, not to dispossess the petitioner from house bearing D.No.147 in Sy.No.342/B to an extent of Ac.0.11 cents situated in Thamballagondi village, Atluru Mandal, YSR Kadapa District, except by due process of law.

5. With the above direction, the writ petition is disposed of at the stage of admission with the consent of both the counsel. There shall be no order as to costs.

6. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M. SATYANARAYANA MURTHY

Dated 24.03.2020
Rvk

¹ 2004 (1) SCC 769