

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

**WRIT PETITION NO.42199 of 2015**

**ORDER:**

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

“to issue a writ in the nature of a writ of mandamus or any other appropriate writ, direction, order or orders declaring the action of the 3<sup>rd</sup> respondent herein in trying to demolish the petitioners house bearing H.No.2-299/A covered by 200 sq.yards in Sy.No.244/1 situated at Vedanthapuram Village, Tirupati Rural Mandal without issuing prior notice despite the site is not belongs to the Government land as wholly arbitrary, illegal and without jurisdiction and void and violated the principles of natural justice and affected the petitioner’s rights guaranteed under the Article 19(1)(g) and 300-A of the Constitution of India and consequently direct the 3<sup>rd</sup> respondent herein not to interfere in the petitioners house bearing H.No.2-299/A covered by 200 sq.yards in Sy.No.244/1 situated at Vedanthapuram Village, Tirupati Rural Mandal without following due procedure under law.”

Copies of tax receipt and electricity bill were placed on record. The said copies *prima facie* establish that the petitioner is in possession of the subject land.

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 land without following due process of law.

Learned Assistant Government Pleader for Revenue, admitted that the petitioner is continuing in possession of the land and requested to pass appropriate orders.

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, without following 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.**<sup>1</sup>”. Therefore, the respondents are directed, not to dispossess the petitioner from the property, except by due process of law.

With the above direction, the writ petition is disposed of at the stage of admission with the consent of both the counsel. No costs.

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

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**JUSTICE M. SATYANARAYANA MURTHY**

03.01.2022  
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<sup>1</sup> 2004 (1) SCC 769