

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.39033 of 2013

Date:31.12.2013

Between:

P.Venugopal Rao,
S/o Satya Rao and another.

..... Petitioners

And:

The Govt of AP, repled by the Principal
Secretary, Revenue Department, Hyderabad
and four others.

.....Respondents

Counsel for the Petitioners: Sri Balaji Meda Malli

Counsel for Respondent Nos.1 to 4: AGP for Revenue

The Court made the following:

ORDER:

This Writ Petition is filed for a *Mandamus* to declare the action of the respondents, in trying to evict the petitioners from their properties admeasuring 30 x 70 square yards and 50 x 42 square yards, respectively, in Ward No.29, T.S.No.145 of Vizianagaram (for short 'the subject property'), without following due process of law, as illegal and arbitrary.

The petitioners pleaded that as far back as the year 2007, they were granted certificates evidencing delivery of possession of the residential plots; that since then they have been residing in the said plots after constructing houses; and that respondent Nos.4 and 5 have been trying to evict them on the purported ground that they are in occupation of tank lands. According to the petitioners,

the tank has become defunct about 50 years back. They have also pleaded that unless appropriate proceedings in law are initiated, the respondents cannot interfere with their possession, more so, when their possession was recognized under the certificates issued by respondent No.4 in the year 2007.

In the light of the above grievance of the petitioners, respondent No.4 is directed not to interfere with the petitioners' physical possession of the subject property without initiating the proceedings under the provisions of Andhra Pradesh Land Encroachment Act, 1905.

Subject to the above direction, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, W.P.M.P.No.48490 of 2013 is disposed of as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

*31st December, 2013
DR*