

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.18875 of 2011

Between:

Pyla Narasimhulu

PETITIONER

AND

1. The District Collector, Visakhapatnam District, at Visakhapatnam,
and another.

RESPONDENTS

ORDER:

This writ petition came to be filed seeking issuance of Writ of Mandamus declaring the action of the respondents 1 and 2 in trying to dispossess the petitioner from the land admeasuring an extent of Ac.0.40 cents in Sy.No.292/2 part, situated at Vellanki Village, Anandapuram Mandal, Visakhapatnam District, without following due process of law, as illegal and arbitrary.

The case of the petitioner is that he was assigned land admeasuring an extent of Ac.0.40 cents in Sy.No.292/2 situated at Vellanki Village, Anandapuram Mandal, Visakhapatnam District, by the then Tahsildar, Anandapuram Mandal in the year 1980 and since then he has been in possession and enjoyment of the same. In the year 1992 when one Smt. V. Ramulamma tried to interfere with his possession, the petitioner filed O.S.No.130 of 1992 on the file of the Junior Civil Judge, Bheemunipatnam for perpetual injunction. The said suit was decreed on 04.02.2003 and the same has become final. While so, on 24.06.2011 and on 01.07.2011 the 2nd respondent herein along with staff came to the property and took measurements stating that they are resuming the land. When the petitioner questioned the authority of the 2nd respondent, he is said to have threatened to dispossess the petitioner from the land. Challenging the action of the 2nd respondent in threatening to dispossess the petitioner from the property in question without following due process of law, the present writ petition is filed.

Learned Government Pleader for Revenue submits that the allegations made by the petitioner are false and if eviction is to take place, the 2nd respondent shall follow the procedure contemplated under law

before taking any coercive steps.

Having regard to the rival submissions made by the both the counsel, without going into the merits of the case, the writ petition is disposed of directing the respondents not to dispossess the petitioner from the land admeasuring Ac.0.40 cents in Sy.No.292/2 part situated at Vellanki Village, Anandapuram Mandal, Visakhapatnam, without following due procedure prescribed by law. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

8th July, 2015
Js.