

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 36749 OF 2015

ORDER:

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Heard learned counsel for the petitioner and learned Government Pleader for Revenue. With the consent of both the parties, the Writ Petition is disposed of at the admission stage itself.

The present Writ Petition came to be filed seeking to declare the action of the fourth respondent in trying to dispossess the petitioner from the Thatched house to an extent of 436.80 Square Meters in Survey Nos.121/4, 126, 50 and 121/3 situated at Pallipadu Village, Indukurupet Mandal, SPSR Nellore District, as illegal and arbitrary.

The material placed before the Court would show that the Tahsildar issued notice to the petitioners on 06.02.2015, 24.02.2015 and 19.10.2015 under Section 7 of the Madras Act, 1905, seeking explanation from the petitioner as to his possession of the said land and as to why he should not be evicted. It is stated that the petitioner has submitted his explanation to the said notices, but till today, no orders are passed.

It is the case of the petitioner that without passing any orders, the respondents are trying to dispossess the petitioner from the land in question.

Learned Government Pleader submits that question of dispossessing the petitioner from the said land would not arise without following due process of law.

In view of the above, the Writ Petition is disposed of directing the respondents to not to dispossess the petitioner without following due process of law, in respect of the land in Survey Nos.121/4, 126, 50 and 121/3 situated at Pallipadu Village, Indukurupet Mandal, SPSR Nellore District. No costs.

Consequently, the Miscellaneous Petitions, if any, pending in this Writ Petition shall also stand closed.

JUSTICE C. PRAVEEN KUMAR

12.11.2015

vhb