

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 31551 of 2011

ORDER:

Heard Sri Ponnam Ashok Goud 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 issuance of a writ of mandamus directing respondent Nos.1 to 3 not to cancel the patta certificates of the petitioners or alter the revenue records or evict the petitioners from the land admeasuring ac.18.24 guntas situated in Sy.Nos. 82, 84, 85/1 of Mulkapally Revenue Village, Kamanpur Mandal, Karimnagar District.

Though the learned counsel for the petitioners raised many grounds, he submits that the action of the respondents in taking steps to cancel the pattas without following the due process is illegal and improper.

On the otherhand, the Government Pleader opposes the same and submits that there is any amount of doubt with regard to the issuance of pattas in favour of the petitioners. The counsel for the petitioners submitted that the petitioners have already filed O.S.No.127 of 2011 seeking injunction against respondent Nos.4 to 14 herein and by an order dated 26.08.2011 in I.A.No.345 of 2011, the Junior Civil Judge, Manthani granted injunction against respondent Nos.4 to 14. The operative portion of the order is as under:

“Issue ad-interim injunction against respondents/defendants by restraining the respondents/defendants, their men, assignees, agents and persons claiming

through them from interfering in any manner with the peaceful possession and enjoyment of petitioner over the suit lands shown in the petition after complying with the provisions of Order 39 Rule 3-A of C.P.C.”

Since the civil Court is already seized the matter, learned counsel for the petitioners submits that respondent Nos.1 to 3 may be directed not to take any coercive steps namely cancellation of pattadar pass books except in accordance with law.

Having regard to the circumstances stated above and without going into the merits of the case, the writ petition is disposed of directing respondent Nos.1 to 3 not to take any coercive steps against the petitioners in respect of lands which are subject matter of dispute in the present writ petition, without following the due process of law. No order as to costs.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

29.07.2015
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