

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.18072 of 2012

ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for Revenue. With the consent of both the parties the present writ petition is heard at the admission stage itself.

The present writ petition came to be filed seeking issuance of writ of mandamus directing the respondent to verify the records and to take appropriate action on the representation dated 01.06.2012 made by the petitioners against the persons claiming to be the employees of the office of the respondent and consequently declare that the action of the employees of the office of the respondent in trying to evict the petitioners from house property in Sy.No. 517/5 and 6 situated near RTC Colony, Guntur Town, as illegal, arbitrary and violative of principles of natural justice.

The averments in the affidavit filed in support of the writ petition would show that the family of Dechiraju Venkatrao is having land admeasuring Ac.5.26 cents in Sy.Nos.517. Out of the said land, Dechiraju Venkatrao donated Ac.1.00 of land to one Avvari Venkateswarlu, who is their family purohit, vide document dated 28.01.1954, who inturn gifted the said property to his wife Satyabhama vide registered document No.1354/1955 dated 17.05.1955. The said Satyabhama alienated the said land to one Vippala Siva Reddy vide document No.5/1982, who inturn sold the same to Ancha Koteswara Rao, Pulivarthi Venkateswarlu, Vemuri Vengaiah, Vasireddy Veerabhadra Prasad and Gousia Begum. The said five persons sold the said property in favour of the petitioners. All the petitioners are poor people, eking out their livelihood by daily labour in vegetables, fruits and other markets. With their hard earning money the petitioners purchased the said property and raised small huts and they are living in the said huts. While things stood thus, in the last week of May, 2012 one person claiming to be the Revenue Inspector is said to have been deputed by the respondent came to the property along with some strangers and demanded the petitioners to vacate the place immediately on the

ground that the said land is a government land. The petitioners immediately approached the respondent and made a representation dated 01.06.2012. The inaction of the respondent in not considering the representation dated 01.06.2012 lead to filing of the present writ petition.

The Government Pleader on instructions submits that when a stranger or any other person claiming to be the Revenue Inspector does any act at the land belonging to the petitioners, it is practicably impossible for the officials to take action against the said person. As neither the name of the person nor his identity is disclosed in the affidavit, it is practicably impossible for the officials to act on the representation dated 01.06.2012. But the learned counsel for the petitioners submitted that these petitioners, who are in possession of the land are put to in grave threat.

Having regard to the fact that the identity of the person who came to the land along with the proposed assignees are not mentioned, the respondent may not be in a position to take action against them. But, however the respondent is directed to follow the due process of law before taking any steps against the petitioners.

With the above direction, the writ petition is disposed of. No order as to costs.

Miscellaneous Petition, if any, pending in this writ petition, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

23.09.2015

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