

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.18954 of 2011

ORDER:

Heard learned counsel for the petitioner and the learned counsel for the respondents. With the consent of both the parties, the writ petition is disposed of at the admission stage.

The present writ petition is filed seeking issuance of writ of Mandamus directing the respondents not to dispossess the petitioner from the land admeasuring 800 square yards in plot Nos.40, 41, 108 and 109 in survey No.109 situated at Nizampet Village, Qutbullapur Mandal, R.R. District without following due process of law.

The averments in the writ petition are as under:

The petitioner is the absolute owner and possessor of plot Nos.40, 41, 108 and 109 totally admeasuring 800 square yards in survey No.109 situated at Nizampet Village, Qutbullapur Mandal, R.R. District. He is said to have purchased the said land from the lawful owner by name M.Ravinder Reddy, through his G.P.A. holder by virtue of three registered sale deeds bearing document Nos.4021/2006, dated 23-02-2006, 2210/2006, dated 01-02-2006 and document No.2209/2006, dated 01-02-2006. It is stated that ever since the date of purchase, the petitioner is in possession of the same. According to him, his vendor M.Ravinder Reddy purchased the land admeasuring Ac.03-00 guntas from E.Indrasena Reddy, who is a freedom fighter, by virtue of a registered sale deed. The said Indirasena Reddy was a freedom fighter and he was allotted an extent of Ac.07-36 guntas in survey No.109 by the then Tahsildar, Medchal on 16-09-1979 and thereafter, his name was also mutated in the revenue records apart from issuing pattadar passbooks and title deeds by the 1st respondent. While things stood thus, the Tahsildar and

Village Revenue Officer are alleged to have gone to the plots, which is the subject-matter of the present writ petition, in the month of June, 2011 and threatened to dispossess the petitioner from the said plots. Challenging the action of the respondents in trying to dispossess the petitioner without following the due process of law, the present writ petition is filed.

The 2nd respondent filed his counter denying the interference in the property of the petitioner. No counter filed on behalf of the 1st respondent.

On 08-07-2011, this Court while issuing notice before admission granted interim direction as prayed for, by the petitioner in the writ petition, namely- directed the respondents herein not to dispossess or in any manner interfere with the possession and enjoyment of the petitioner in respect of the land admeasuring 800 square yards, bearing plot Nos.40, 41, 108 and 109 in survey No.109, situated at Nizampet Village, Qutbullapur Mandal, R.R. District.

It is stated mainly by the learned counsel for the petitioner that this petitioner is in possession of the land since 2006 and that efforts are being made to dispossess him in any way. He submits that no coercive steps will be taken against him without following due process of law as he is in possession since last 10 years.

Without going into the merits of the case and having regard to the circumstances, the writ petition is disposed of by directing the 1st respondent not to interfere with the possession of the land admeasuring

800 square yards bearing plot Nos.40, 41, 108 and 109 in survey No.109 situated at Nizampet Village, Qutbullapur Mandal, R.R. District, without following due process of law.

As a sequel thereto, Miscellaneous Petitions, if any, pending in

this Writ Petition, shall stand closed.

**JUSTICE C. PRAVEEN
KUMAR**

20-07-2015
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