

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION NO.15923 OF 2015

ORDER:

The petitioners claim that D.K.T. pattas were granted to them. While the first petitioner claims to have been cultivating land to an extent of Acs.2.00 in Survey No.194/2, the second petitioner claims to have been cultivating land to an extent of Acs.2.50 in Survey No.121/3, both situated at Machavaram Village, Rompicherla Mandal, Guntur District. Both the petitioners annexed copies of D.Form pattas vide R.C.No.1177/95 to the Writ Petition and they claim that they have also been granted pattadar passbooks and adangals, copies of them show that the petitioners were in possession over 50 years and have been raising crops in the said land. Cist receipts are also filed in support of the said claim. While so, as the respondents are interfering with the petitioners' possession and trying to evict them from the land highhandedly without issuing any notice, the present Writ Petition is filed.

Instructions received by the learned Government Pleader show that the lands are classified as "Vagu Poramboke" and as per the record maintained by the office of the Mandal Revenue Officer, no assignments are recorded and no sub divisions have been recorded in FMB and D.K.Register. It, therefore, appears that the possession claimed by the petitioners to be fake. It is also stated that for the purpose of development of tanks under "Neeru-Chettu" programme, steps are being taken and wherever encroachers are found, they are identified and appropriate steps for eviction are being taken.

In the present case, since the petitioners claim long standing possession, it would be appropriate to direct the third respondent not to evict them or dispossess them, except after following due process of law. The third respondent is at liberty to issue appropriate notice to the petitioner, if their possession is found objectionable, hear them and pass appropriate orders.

The Writ Petition is, accordingly, disposed of. There shall be no orders as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(VILAS V. AFZULPURKAR, J)

8th June 2015

Note: Issue CC tomorrow

B/O

RRB