

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 4662 of 2012

ORDER:

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Heard learned counsel for the petitioners and Government Pleader for Revenue.

The present writ petition came to be filed seeking issuance of writ of mandamus directing the respondents not to dispossess the petitioners from the agricultural land admeasuring Ac.15.37 cents in Sy.Nos.459/2, 460 and 461 of Koppalu Village, Ongole Mandal, Prakasham District, without passing orders as directed by this Court in W.P.No.17792 of 2008, dated 02.07.2009; and consequently to restrain the respondents from interfering with the possession of the petitioners over the said land.

Though various grounds are raised in the writ petition, learned counsel for the petitioners restricts his prayer seeking a direction to the respondents not to dispossess the petitioners without following due process of law.

A perusal of the material placed before this Court would show that, this Court, on 14.08.2008 in W.P.M.P.No.23129 of 2009 in W.P.No.17792 of 2008, granted stay of all further proceedings pursuant to issuance of Form-2 Notice bearing Nos.RCB 4/2008, 14/2008 and 56/2007 in respect of lands covered by Survey Nos. 459, 460 and 461 of Koppalu Village, Ongole Mandal. Subsequently on 02.07.2009, this Court disposed of the writ petition and passed the following order.

“As the jurisdiction to determine the preliminary and jurisdictional fact inheres in the second respondent, this Court is not inclined to entertain this writ petition, but would relegate the petitioners to pursue with the second respondent with liberty to lodge appropriate objections. The petitioners may submit a detailed explanation on the factual and applicable legal aspects by way of a representation or by a memorandum of written arguments, before the second respondent within one month from the date of receipt of a copy of this order. The second respondent shall after considering the objections or memorandum of written submissions filed by the petitioners, pass appropriate orders duly dealing with the several objections and contentions, on fact and law.

Learned counsel for the petitioners submitted that inspite of the orders passed by this Court, the respondents are trying to interfere with the possession of the petitioners.

Having regard to the circumstances stated above, the writ petition is disposed of, directing the respondents not to interfere with the possession of the petitioners in respect of land admeasuring Ac.15.37 cents in Sy.Nos.459/2, 460 and 461 of Koppalu Village, Ongole Mandal, Prakasham District, without following due process of law.

With the above direction, the Writ Petition is disposed of. No order as to costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

27.11.2015

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