

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 28893 OF 2015

ORDER:

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Heard learned counsel for the petitioner 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 to declare the action of the third respondent in insisting the petitioner to vacate from the land admeasuring Ac.0.17 cents in Survey No.107/5 situated in Dolavanipeta Village, Hamlet of Duppalavalasa, Thotapalem Panchayat, Etcherla Mandal, Srikakulam District, as illegal and arbitrary.

The averments in the affidavit filed in support of the petition would show that the petitioner claims to be an absolute owner, possessor and enjoyer of the land admeasuring Ac.0.17 cents in Survey No.107/5 situated in Dolavanipeta Village, Hamlet of Duppalavalasa, Thotapalem Panchayat, Etcherla Mandal, Srikakulam District. The petitioner submits that he is a landless poor and has no source to eek out his livelihood. As he belongs to Schedule Caste community, he made an application to the predecessors-in-office of the third respondent seeking assignment of agricultural land. Considering the status of the petitioner, the third respondent granted D.Form patta vide proceedings Rc.No.291/2011, dated 28.10.2012. Since the date of assignment, the petitioner claims to be in possession and enjoyment of the said land by raising crops. While things stood thus, some of the villagers who are having animosity against the petitioner, influenced the third respondent to

take away the land highhandedly from the petitioner. In the third week of August, 2015, the third respondent along with his staff, visited the land of the petitioner and insisted him to vacate the land, though the petitioner has shown documents assigning land to him by the predecessors-in-office of the third respondent. The third respondent orally stated that he requires agricultural land for the purpose of utilizing the same to release water from a well existing nearby to the agricultural land of the petitioner. When the petitioner refused to vacate the land, the third respondent sent his staff, who criminally trespassed into the land and highhandedly lifted the soil, making a pit in the land to store the waste water coming from the said well. Questioning the action of the third respondent, the present Writ Petition came to be filed.

Though various grounds are raised by the learned counsel for the petitioner, he however restricts his prayer seeking a direction to the respondents not to take any coercive steps, without following due process of law.

Learned Government Pleader submits that any action to be taken by the third respondent, would be in accordance with law.

Without going into merits of the case and having regard to the circumstances stated above, the Writ Petition is disposed of directing the third respondent not to interfere with the possession of the petitioner in respect of the land in Survey No.107/5, situated in Dolavanipeta Village, Hamlet of Duppalavalasa, Thotapalem Panchayat, Etcherla Mandal, Srikakulam District, without following due process of law. No costs.

Consequently, the Miscellaneous Petitions, if any, pending in

this Writ Petition shall also stand closed.

JUSTICE C. PRAVEEN KUMAR

08.09.2015

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