

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.18878 of 2011

Between:

Smt. Menda Saraswathi

PETITIONER

AND

1. The District Collector, Visakhapatnam District, at Visakhapatnam,
and another.

RESPONDENTS

ORDER:

This writ petition came to be filed seeking issuance of Writ of Mandamus declaring the action of the respondents 1 and 2 in trying to dispossess the petitioner from the land admeasuring an extent of Ac.1.00 cents in Sy.No.292/2 part, situated at Vellanki Village, Anandapuram Mandal, Visakhapatnam District, without following due process of law, as illegal and arbitrary.

The case of the petitioner is that her father-in-law was originally assigned land admeasuring Ac.1.00 cents in Sy.No.292/2 situated at Vellanki Village, Anandapuram Mandal, Visakhapatnam District, by the then Tahsildar, Anandapuram Mandal in the year 1980. After his demise the husband of the petitioner succeeded the property and he died on 05.04.2008 leaving the petitioner and her three sons as his legal heirs. During the life time of the husband of the petitioner one P. Savitri tried to interfere with his possession. The petitioner filed O.S.No.129 of 1992 on the file of the Junior Civil Judge, Bheemunipatnam for perpetual injunction. The said suit was decreed on 04.02.2003 and the same has become final.

While so, on 23.06.2011 and on 30.06.2011 the 2nd respondent herein along with his staff came to the property of the petitioner and took measurements stating that they are resuming the land. When the petitioner questioned the attitude of the 2nd respondent, he is said to have threatened to dispossess her from the land. Challenging the action of the 2nd respondent in threatening to dispossess the petitioner from the property in question without following due process of law, the present writ petition is filed.

Learned Government Pleader for Revenue submits that the allegations made by the petitioner are false and the 2nd respondent has to follow the procedure contemplated by law before taking any coercive steps against the petitioner.

Having regard to the rival submissions made by the both the counsel, and without going into the merits of the case, the writ petition is disposed of by directing the respondents not to dispossess the petitioner from the land admeasuring Ac.1.00 cents in Sy.No.292/2 part situated at Vellanki Village, Anandapuram Mandal, Visakhapatnam, without following due process of law.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

JUSTICE C. PRAVEEN KUMAR

8th July, 2015
Js.