

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

Writ Petition No.1384 of 2015

ORDER:

The petitioner claims to be the purchaser of Ac.0.47 cents of land in survey Nos.109 part and 118, of Vedulanarva Village of Sabbavaram Mandal, and Ac.0.43 cents in survey No.140/5 of Duvvaka Village, Gajuwaka Mandal, Visakhapatnam District, through three registered sale deeds, vide document Nos.4301/2002, 4580/2002 and 218/2003. It is alleged that when some third parties tried to occupy the land stating that it is a Government land, the petitioner made a representation to the Revenue Divisional Officer, Visakhapatnam, the 3rd respondent herein. The 3rd respondent, in turn, directed the Tahsildar, Gajuwaka Mandal, the 4th respondent herein, to enquire into the matter and submit report. Thereafter, on 26.12.2013, the 4th respondent submitted a report to the 3rd respondent. The grievance of the petitioner is that the respondents are trying to dispossess him from the land in question. Hence, this writ petition.

Learned counsel for the petitioner submits that the report of the 3rd respondent is to the effect that though the said land is a Government land, the petitioner bonafidely purchased the same, and since the petitioner's wife is suffering from cancer and he incurred huge amounts for her recovery, his case may be considered on humanitarian grounds. He contends that pending consideration of the request of the petitioner for alienation of the subject-land in his favour on payment of market value, the respondents allowed to take coercive steps and evict him from the land in his possession.

On the other hand, learned Assistant Government Pleader for Revenue opposed the writ petition and submits that merely because the petitioner has purchased the land from a private party by paying

the consideration, it cannot be said that the vendor of the petitioner has right, title and entitlement over the property, and the petitioner could not get better title, than his vendor. He contends that once it is not in dispute that the said land is Government land, it is entitled to repossess the same from the petitioner, by evicting him. However, learned Government Pleader submits that considering the fact that admittedly the petitioner is in possession of the land, the respondents could not evict him, without following the due process of law.

Having considered the rival submissions, and considering the fair submission made by the learned Government Pleader that the petitioner could not be evicted from the subject-land without following the due process of law, the writ petition is disposed of. The observations made in the writ petition would not be construed, in one way or the other, as expressing any view with respect to the petitioner's claim for seeking regularisation of his occupation. There shall be no order as to costs.

The miscellaneous petitions filed in this writ petition shall also stand disposed of.

CHALLA KODANDA RAM, J.

Date:30.01.2015

GJ