

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.20596 of 2012

ORDER:

Heard learned counsel for the petitioner and Government Pleader for Revenue. With the consent of both the parties, the main writ petition is heard at the admission stage itself.

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondents in threatening the petitioner to evict her from the land admeasuring Ac.1.30 cents in R.S.No.89 of Kothapalli Village, Bapulapadu Mandal, Krishna District, without issuing any notice, as illegal, arbitrary and violative of principles of natural justice; and consequently direct the respondents not to evict the petitioner from the said land without following due process of law.

The averments in the affidavit filed in support of the writ petition disclose that the petitioner claims to be owner and possessor of the land admeasuring Ac.0.95 cents in R.S.No.121 of Kothapalli Village. It is stated that originally the petitioner purchased land admeasuring Ac.1.03 cents from one Vallurupalli Satyanarayana under a registered sale deed in the year 1996 and subsequently, sold an extent of ac.0.08 cents to one P.Krishna Prasad in the year 2002. It is stated that there is a government cheruvu poramboke land abutting to land in R.S.No.121 and the vendor of the petitioner was in possession and enjoyment of land admeasuring Ac.1.30 cents in R.S.No.121 and he used to cultivate his patta land as well as the government land. Along with the patta land, the vendor of the petitioner also handed over the possession of government poramboke in the year 1997 and since then the petitioner is cultivating the patta land purchased by her and also the government poramboke land. Subsequently, the petitioner claims to have purchased land admeasuring Ac.1.30 cents in R.S.No.89 in the year 1996. Since then, the respondents are collecting tax from the petitioner in respect of the land in R.S.No.89 and also issued receipts to that effect. The copies of receipts are filed herewith to show that the petitioner has been paying the cist.

On 25.06.2012 the V.R.O. is alleged to have asked the petitioner to vacate the land as the revenue authorities are taking steps to grant pattas to the landless poor persons. Challenging the said action, the writ petition is filed.

Though various grounds are raised in the writ petition, learned counsel for the petitioner restricts his prayer seeking a direction to the respondents to follow the due process of law while evicting the petitioner. Government Pleader on instructions states that the authorities are not interfering with the possession of the petitioner, but however they will follow the due process of law, if the land is to be taken for any public purpose.

Without going into the merits of the case and having regard to the submissions made, the writ petition is disposed of directing the respondents to follow the due process of law, if the land in R.S.No.89 is to be taken for any public purpose. No order as to costs.

Miscellaneous Petition, if any, pending in this Civil Revision Petition, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

18.09.2015

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