

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD

**FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

THURSDAY, THE NINETH DAY OF APRIL TWO THOUSAND AND FIFTEEN

Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.24609 of 2009

Between:

Vikram Chandra Sanyasi Raju,
S/o. Late Raja Lakshminarasimha Sanyasi Raju,
Aged about: 54 years, Occ: Agriculture,
R/o. Kota Veedhi, Salur,
Vizianagaram District & another

.. Petitioners

AND

The Tahsildar,
Salur, Vizianagaram District & another

.. Respondents

The Court made the following:

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ORDER:

The petitioners claim that they own Ac. 18.43 cents in various survey numbers of Gumudam Village in Salur Mandal, Vizianagaram District. The above extents of land has fallen to the share of the first petitioner. The land was in the custody of the Court of Wards and after the first petitioner attained the majority, the

Court of Wards has handed over the possession of the said properties by way of proceedings No.D.Dis 1365/52, dated 30.12.1952, of the Assistant Manager, Court of Wards, Salur Estate. It is part of the zamindari estate and the petitioner succeeded to the estate of his father. While so, the respondent authorities were illegally blocking the petitioner from undertaking the agricultural operations. Alleging that without prior notice, such action of the respondent authorities in interfering with the possession and enjoyment of the property is *ex facie* illegal, this writ petition is instituted.

2. In the counter affidavit filed by the respondents, it is averred that the father of the first petitioner was the pattadar for Survey No.216/1, which was subsequently sub-divided into 216/1A, 1B and 1C. From out of this extent of land, Ac. 5.58 cents was acquired and an award was passed to that extent in Award No.1 of 1986. The remaining land claimed by the first petitioner do not belong to him. In Survey No.216/1A on an extent of Ac. 0.75 cents, MPDO's Office and Agricultural Office building exist.

3. As seen from the averments in the affidavit filed in support of the writ petition, what is alleged is only on apprehension of interference by the respondent authorities. The pleadings are vague as to whether such interference was made and in what context and to what extent they sought to interfere. The respondents do not state anything about such interference. Their stand is except to the extent of land mentioned above, rest of the extent of land do not belong to the petitioners or the land is Government land or part of water body. The State is not a party to the writ petition. Therefore, even assuming that the claim of the petitioners is valid, no relief as sought for can be granted at this stage.

4. Having regard to the same, the Writ Petition is disposed of giving liberty to the petitioners to submit detailed representation to the District Collector, Vizianagaram District (2nd respondent) ventilating their grievance against any illegal interference on the properties owned by them and in possession. The petitioners are entitled to submit documents in support of their

claim of ownership. On making such representation, the District Collector shall consider and pass appropriate orders, as warranted by law. To the extent the land owned by the petitioners and in their possession, there should not be any interference without following the due process of law till the orders are passed by the District Collector. Such a representation should be filed within a period of four (4) weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 9th April, 2015

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