

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD  
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

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**W.P.No.21474 of 2011**

**Between:**

Sri Sake Subbarayudu and 11 others

**.. Petitioners**

and

Tahsildar, Puttaparthi, Puttaparthi Mandal, Anantapur District and two others.

**.. Respondents**

**DATE OF JUDGMENT PRONOUNCED: 03.8.2015**

**SUBMITTED FOR APPROVAL:**

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**THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR**

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| 1. Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be marked to Law Reporters/Journals?    | Yes/No |
| 3. Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? | Yes/No |

**THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR**

**W.P.No.21474 of 2011**

**ORDER:**

Heard learned counsel for the petitioners and the learned Government Pleader for Revenue (Andhra Pradesh) appearing for the respondents.

2. With the consent of both the parties, the Writ Petition is disposed of at the admission stage itself.

3. The writ petition is filed seeking issuance of a writ of *Mandamus* declaring the action of the respondents in attempting to dispossess the petitioners from the assigned house site pattas granted in H.S.RDs 2/93, dated 27.1.1984, of Plot Nos.12, 7, 1, 2, 8, 3, 10, 11, 6, 5, 9 and 4 in Sy.Nos.149 and 155 of Kesapuram Village, Puttaparthi Mandal, Anantapur District as illegal and arbitrary, and consequently, to direct the respondents not to dispossess the petitioners from the above said house pattas without following the due process of law.

4. The petitioners, who are twelve in number, submit that as they were landless poor belonging to Scheduled Caste Community of Kesapuram Village, Puttaparthi Mandal, Anantapur District, they were assigned house site pattas by the Government in the aforementioned survey numbers and since then, they are in continuous possession and enjoyment of the same. While so, one Sarvasri Yerraballi Chinna Gangappa and 22 others of the same village filed O.S.No.195 of 1994 on the file of the learned District Munsif, Penukonda for declaration of title and possession of the land assigned to them which was dismissed with costs. The appeal filed against that judgment and decree was also dismissed. The action of respondent No.1 in interfering with their enjoyment and possession of the land by ordering them to vacate the house sites without assigning any reason or notice led to filing of the present writ petition.

5. Respondent No.2 filed counter-affidavit denying the allegations made in the affidavit filed in support of the writ petition. It is stated that the petitioners are not in continuous possession and enjoyment of the house site pattas granted to them; that the petitioners violated the conditions of assignment by leaving the assigned plots high and dry for more than a decade; that the villagers have been using the said land as sheep-pen and when the petitioners again encroached the land, law and order problem arose and with a view to maintain peace in the village, the petitioners were advised not to vitiate the issue till compromise is arrived between the villagers and petitioners. It is stated that a decision would be taken by the District Collector, Anantapur on a report submitted by the Tahsildar, Kothacheruvu in Rc.No.187/2011/B, dated 29.7.2011, and orders are awaited from the District Collector, and hence, prays to dismiss the writ petition.

6. The petitioners filed a reply affidavit to the counter of the respondents denying the averments made in the counter-affidavit and further stated that though some of the petitioners died, their descendents, who are their legal heirs, are residing in the huts raised in the assigned plots and hence, prayed to allow the writ petition.

7. The fact that the petitioners are in possession and enjoyment of the aforesaid property is not disputed even by the learned Government Pleader. In view of the same, without going into the merits of the case and having regard to the facts and circumstances of the case, the Writ Petition is disposed of by directing the respondents not to dispossess the petitioners from the aforesaid house sites without following the due process of law. There shall be no order as to costs.

8. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

**JUSTICE C.PRAVEEN KUMAR**

AMD

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**THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR**

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**W.P.No.21474 of 2011**

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**DATE: 03.08.2015**

AMD