

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 12687 of 2005

ORDER:

-

Heard learned counsel for the petitioner and learned Government Pleader for Revenue appearing for the respondents. With the consent of the parties, the writ petition is heard finally and disposed of.

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondents in interfering with the peaceful possession of the land admeasuring Ac.0.96 cents in Survey No.164/6 situated at Chinamushidivada Village, Pendurthi Revenue Mandal, Visakhapatnam District, as illegal and arbitrary.

The averments made in the affidavit filed in support of the writ petition would show that the petitioner is the absolute owner and possessor of the land mentioned above, having purchased the same from its lawful owner by name Mahalakshmi vide document No.9319/1983 registered in the Office of the Sub-Registrar, Visakhapatnam. It is stated that since the date of purchase, the petitioner is in possession and enjoyment of the same by paying the land revenue and his name was also entered in the revenue records. It is also stated that the petitioner established a partnership firm in the name and style "Bhanu Constructions" and constructed a stone crusher unit in the said land after obtaining necessary permissions from the concerned authorities. While things stood thus, on 10.06.2005 the respondents are alleged to have come to the land of the petitioner proclaiming that they would take possession of the land and also threatened to dispossess him with police force, if he objects. Questioning the same, the present writ petition is filed.

Though various grounds are raised in the writ petition, the learned counsel for the petitioner restricts his prayer seeking a

direction to the respondents not to dispossess the petitioner from the land, without following the due process of law.

The learned Government Pleader for Revenue submits that the request of the petitioner can be considered, provided he is in possession of the land.

Having regard to the circumstances stated above and as the record shows that the petitioner is still in possession of the land, the Writ Petition is disposed of, directing the respondents not to dispossess the petitioner from the land admeasuring Ac.0.96 cents in Survey No.164/6 situated at Chinamushidivada Village, Pendurthi Revenue Mandal, Visakhapatnam District, without following the due process of law. There shall be no order as to costs.

Consequently, miscellaneous petitions pending if any in the writ petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

25th August, 2015
cbs

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 12687 of 2005

25th August, 2015

cbs