

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

W.P.No.29843 OF 2011

ORDER:

Heard learned counsel for the petitioner 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.

3. The writ petition is filed seeking issuance of a writ of *mandamus* declaring the action of respondent No.2 in taking steps to evict the petitioner from the agricultural land situated in Sy.No.777-5 to an extent of Ac.1.04 cents of Koduru Village of Chilamattur Mandal, Anantapur District, without issuing any notice and without communicating any order, as illegal and arbitrary, and consequently, to direct respondent No.2 not to evict the petitioner without following the due process of law.

4. The averments made in the affidavit filed in support of the writ petition show that originally, an extent of Ac.2.64 cents of agricultural land situated in Sy.Nos.776-3, 776-4, 776-6 and 777-4 of Koduru Village, Chilamattur Mandal was assigned in favour of the petitioner's mother in the year 1996 and since then, they are in possession and enjoyment of the said property. After the death of her mother in the year 2004, she along with her sister inherited the above property and accordingly, pattadar pass books were also issued. It is stated that for unknown reasons, though Ac.1.04 cents of land is available in Sy.No.777-5, the same was not assigned to the mother of the petitioner. However, the said land is in occupation of her mother previously and after her demise, the petitioner is in possession and enjoyment of Ac.1.04 cents of the agricultural land, which was not assigned to them. It is stated that the petitioner is cultivating the said land for the last 15 years and at no point of time, the respondents raised any objection and this year also, the petitioner raised groundnut and red gram crop. The land in question is situated in between the land

assigned to them and as such, it is not suitable even to assign for any other purposes. While matter stood thus, respondent No.2 is alleged to have called the petitioner to his office about 15 days prior to the filing of the writ petition and informed him to hand over the possession. It is further stated that about four days prior to filing of the writ petition, respondent No.2 tried to dispossess the petitioner from the land in question. Challenging the action of respondent No.2, the petitioner filed the present writ petition.

5. Learned counsel for the petitioner mainly submits that the writ petitioner is in occupation of the land in question since the same is in between the lands held by her. He submits that though she is in illegal occupation of the same, the respondents cannot forcibly evict her without following the due process of law.

6. No counter is filed by the respondents. However, learned Government Pleader for Revenue, on instructions, submits that there are no encroachments into the land, which is the subject matter of dispute in the present writ petition.

7. Recording the statement of the learned Government Pleader, this Court finds that no orders are necessary to be passed in this writ petition. However, learned counsel for the petitioner submits that his client is cultivating the land in question and there is a likelihood of she being evicted forcibly by the respondents. It is needless to mention that no authority will take law into their own hands and if the petitioner is in possession of the land in question and has raised crops as mentioned above, the respondents shall take steps in accordance with law.

8. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous Petitions pending, if any, in this writ petition shall stand closed.

JUSTICE C.PRAVEEN KUMAR

Date: 08.12.2015

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THE HON’BLE SRI JUSTICE C.PRAVEEN KUMAR

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