

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.17248 of 2015

-

ORDER:

Heard.

The petitioner claims that his father was granted DKT Patta No.188/IV/1379, dated 10.5.1969 in respect of the land admeasuring 3 acres in Sy.No.382/2 situated at Chigruvada Uttarap Kandriga, Tirupati Rural Mandal, Chittoor District and he was in possession of the same. After the demise of his father, the petitioner is in continuous possession and enjoyment of the same. Alleging that the petitioner is likely to be dispossessed, the present writ petition is filed seeking Mandamus against such action of the 4th respondent.

Learned Government Pleader has received instructions from the 4th respondent, which state that the land in Chigruvada Uttarap Kandriga village is notified as an inam estate, taken over by the Government on 31-07-1961 and survey settlement operations were completed in the year 1962. The land admeasuring 3.00 acres in Sy.No.382/2 is classified as Government land and the same was allotted for house sites and the beneficiaries are inducted into possession, but the land is lying vacant as on today. It is further stated that the petitioner is not in possession of the land and thus, the question of dispossession does not arise.

The petitioner has however placed reliance upon ryoth pass book issued in favour of his father and the property tax being continuously paid by his father and the petitioner claims to be in possession for over 45 years. Apparently, therefore, the claim of the 4th respondent that the petitioner is not in possession does not appear sustainable, as the petitioner produced copy of DKT Patta No.188/IV/1379, dated 10.5.1969 and also ryoth pass book issued in favour of his father. Therefore, if the 4th respondent seeks to take any

action against the petitioner, he has to follow due process of law and take appropriate steps in accordance with law, but he cannot physically interfere or dispossess the petitioner from the land in question.

The writ petition is, therefore, disposed of directing the 4th respondent not to dispossess the petitioner from the aforesaid land. However, this order will not preclude the 4th respondent from issuing appropriate notice to the petitioner, if any grounds under law exist against the petitioner's assignment. The 4th respondent shall, therefore, take appropriate steps, as required, by following due process of law. No order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 22-06-2015

Prv

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.17248 of 2015

22-06-2015

Prv