

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No.4835 of 2011

ORDER:

The present writ petition is filed assailing the action of the respondents in interfering with the peaceful possession of the petitioner in respect of land admeasuring Ac.0-47 cents in survey No.1271/2C1 situated at Bagalanatham village H/o.Bandarlapalle, Ramakuppam Mandal, Chittoor District as illegal and arbitrary.

The petitioner states that she is holding D-form patta No. 114/4/1403 in survey Nos.1271/2C and 1271/1/F1, 1306/1A admeasuring Ac.01-62 cents situated at Baglanatham Village, H/o.Bandarlapalle, Ramakuppam Mandal, Chittoor District. It is stated by her that from the date of granting patta, she is in possession and enjoyment of the same. While things stood thus, the 2nd respondent (Tahsildar) started interfering with her peaceful possession of the land. It is alleged that without giving any notice to the petitioner or without acquiring land by following due process of law, the 2nd respondent is trying to provide pathway to the other villagers through the land of the writ petitioner. Basing on these allegations, the present writ petition came to be filed.

The 2nd respondent filed counter denying the allegations made in the writ petition. According to him one, Sri Hanumanthu, who is the pattadar of land in survey No.1271/2B in the said village filed a petition stating that there is no pathway to his land and the writ petitioner is interfering with usage of the land for going to his fields. He requested to provide the rasta to his land through survey No.1271/2C1, as the land in survey No.1371/2C1 is a government land held by one Gangojamma.

The 2nd respondent is said to have requested the petitioner to provide

rastra to Hanumanthu, but the writ petitioner filed the present writ petition apprehending that her patta would be cancelled. The counter filed by the respondent further reveal that the writ petitioner was orally informed by the 2nd respondent not to obstruct Hanumanthu. It is sated that except requesting the writ petitioner, he has not interfered with the peaceful possession of the writ petitioner's land nor has he initiated any proceedings for cancellation of patta in favour of the writ petitioner.

In view of the averments in the counter and keeping in view the apprehension of the writ petitioner, it would be appropriate to direct the 2nd respondent not to interfere with the possession of the land by the writ petitioner, if he is in possession, except in accordance with law.

With the above direction, the writ petition is disposed of. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

C.PRAVEEN KUMAR,J

30-06-2015

Nvl