

*** HONOURABLE SRI JUSTICE CHALLA KODANDA RAM**

+W.P. No. 282 of 2011

%19-02-2015

Mantena Kishore Babu

...petitioner

Vs.

\$ The District Collector and two others

.... Respondents

Counsel for the Petitioners: Sri P.R.K. Amarendra Kumar

Counsel for Respondent Nos.1 to 3: G.P. for Revenue

<Gist :

>Head Note:

? Cases referred:

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No. 282 of 2011

DATE: 19.02.2015

Between:

Mantena Kishore Babu

.. Petitioner

and

The District Collector
and two others
Respondents

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ORDER:-

The sum and substance of the petitioner's case as reflected from the affidavit is that the petitioner is possession and enjoyment of agricultural lands in an extent of Ac.4.46 cents in R.S.No. 112/3 and Ac.4.88 cents in R.S.No. 112/4 situated in Kamayyapalem village, Jeelugumilli Mandal, West Godavari District having acquired the same from his late father – Sri Ranga Vara Prasad Satyanarayana Raju by way of succession and the Special Deputy Collector, by order dated 10.05.1996, declared possession of the lands in favour of the petitioner and that orders have become final as no appeal has been preferred against such orders. Now, the petitioner's grievance is that the 3rd respondent, on 10.01.2011, without passing any statutory orders, tried to evict the petitioner from the lands in question stating that the land belongs to the Government. Hence, the present writ petition is filed seeking appropriate directions.

The learned counsel for the petitioner has submitted that in every agricultural season, the respondents, without any authority, are threatening the petitioner orally to vacate the schedule lands.

Having regard to the specific submission made by the learned counsel for the petitioner that even though orders dated 10.05.1996 have been passed by the Special Deputy Collector declaring the lands as belonging to the petitioner and

such orders having become final, the 3rd respondent, without issuing any statutory notice or having any statutory authority, is taking steps to evict the petitioner from the lands in question particularly in every agricultural season, and in view of the fact that no counter affidavit is forthcoming contradicting the pleadings, this Court is inclined to dispose of the writ petition with the following observation:

“If the respondents, without issuing any prior statutory notice in writing to the petitioner, takes any action against him by way of eviction / dispossession from the land in question resulting in any damage or loss to the petitioner or his property, the petitioner shall be entitled to proceed against the individual officers in their personal capacity seeking damages to the property and prosecute them for trespass into the lands.”

With the above observation, the writ petition is disposed of. No order as to costs.

As a sequel to the disposal of the writ petition, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

CHALLA KODANDA RAM, J

19.02.2015

bcj