

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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WRIT PETITION No.6365 of 2015

ORDER:

The petitioners claim to be the owners of land admeasuring Ac.1.09 cents in survey No.204/3 situated in Karnataka Nagepalli Village, Puttaparthi Mandal, Anantapur District, and the said property is claimed to be their ancestral property.

The grievance of the petitioners is that at the instance of certain ruling party members and on account of enmity in the village, solely to disturb the peace of the petitioners, a representation was made by the third-parties to respondent Nos.2 and 3 stating that there is a road/rasta needed to their field. Basing on the representation made by the said third-parties, respondent Nos.2 and 3, without issuing any proceedings in writing, are calling the petitioners to their office and pressurizing them to part with their land for the purpose of formation of the road. The contention of the learned counsel for petitioners is that the action of the respondent Nos.2 and 3 is illegal and impermissible in law.

When the matter came up on 13.03.2015, the learned Assistant Government Pleader on instructions submitted that it is a fact that there was a representation made by the third-parties complaining that the petitioners had closed the rasta, which was earlier in existence, and it is only on account of the same for the purpose of enquiry respondent No.3 had called the petitioners to his office but there is no harassment and there is no pressure on them.

Inasmuch as the petitioners being called to the office of respondent Nos.2 and 3 has not been denied, this is a fit case where a direction can be issued to the respondents not to resort to extra legal methods, even assuming the purpose for which the petitioners have been called is permissible in law. The object which the respondents may want to achieve even assuming to be laudable and

may serve the interests of the general public, but they are required to act in terms of the settled legal principles. In the process of doing public good, the respondents cannot transgress the rights of the others like the petitioners without following the procedure as prescribed under law.

In that view of the matter, there shall be a direction to the respondents that they shall not interfere with and disturb the peaceful possession and enjoyment of the property of the petitioners except by following the due process of law and by issuing notices and adequate opportunity to the petitioners.

Accordingly, this Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions pending, if any, shall stand closed.

CHALLA KODANDA RAM, J

Dated: 17.03.2015

MVA

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