

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 33445 of 2011

ORDER:

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The present Writ Petition is filed seeking to declare that respondent Nos.1 to 4 are not entitled to evict the petitioner or interfere in any manner with her physical possession and enjoyment of the agricultural land, owned by her husband, in Survey No.164/3 admeasuring Ac.1.92 cents situated at Damineedu village, erstwhile Chandragiri Taluka, now Tiruapti Rural Mandal, Chittoor District, except following due process of law, pursuant to any orders, including orders in Memo dated 27.11.2008 passed by respondent No.1 in Memo No.8997/JA.2/2008, and for an injunction, restraining respondent Nos.1 to 4 from evicting the petitioner or interfering in any manner with her physical possession and enjoyment of the said agricultural land and also to direct respondent No.5 to accept the gift deed/settlement deed, sale deed executed by the petitioner in respect of the said land and register the same.

It is the case of petitioner that her husband is the owner of the land in Survey No.164/3, admeasuring Ac.1.92 cents situated at Damineedu village, erstwhile Chandragiri Taluka, now Tiruapti Rural Mandal, Chittoor District, having purchased the same in the year 1970 vide registered sale deed dated 31.10.1970. Further his name was entered in revenue records as the pattedar/owner. It is stated that after the demise of her husband, she has been in physical and peaceful possession of the said land continuously. It is her grievance that in the year 2011, she came to know that

the Government (respondent No.1) issued orders vide Memo dated 27.11.2008, passed in No.8997/JA.2/2008, directing respondent No.2 to protect the lands declared by the Settlement Officer as Government land in S.R.No.566/15(1)/63, dated 16.10.1974. The petitioner stated that in view of the orders passed in Memo dated 27.11.2008, the gift deed or settlement deed for registration in favour of her children was also declined by respondent No.5. Aggrieved thereby, the present Writ Petition is filed.

Heard learned counsel for the petitioner and learned Government Pleader for Revenue.

Learned counsel for the petitioner submits that even as on today, the petitioner is still in possession of the land. On the other hand, learned Government Pleader submits that the land is already in possession of the Government and as such the question of dispossessing the petitioner, without following due procedure of law, does not arise.

Having regard to the rival submissions made, the respondents shall not dispossess the petitioner from the land admeasuring Ac.1.92 cents in Survey No.164/3 of Damineedu Village, Tirupati Rural Mandal, Chittoor District, without following due process of law, if the petitioner is still in possession of the property as on today.

Accordingly, the Writ Petition is disposed of. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

**JUSTICE C. PRAVEEN
KUMAR**

15.07.2015
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