

HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.9842 of 2005

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Date: April 23, 2015

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Between:

Dantuluri Sitaramaraju ... Petitioner

and

1. Government of Andhra Pradesh,

Rep. by its Principal Secretary,

Revenue Department, Hyderabad & 4 others. ... Respondents

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HON'BLE SRI JUSTICE SANJAY KUMAR

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ORDER:

This writ petition was filed against the Government of Andhra Pradesh and not against the State. The Government is not *sui juris* and the State has to be sued in its own name. This is as per Article 300 of the Constitution and Section 79 CPC. However, as the writ petition has been pending on the file of this Court for nearly a

decade, this Court does not deem it appropriate to dismiss the writ petition at this stage on this purely technical ground. The descriptions of the 1st and 2nd respondents are accordingly amended *suo motu* and will read as 'State of Andhra Pradesh' instead of 'Government of Andhra Pradesh'. Office is directed to carry out necessary amendments before issuing a copy of this final order.

2. This writ petition was filed assailing the orders dated 09.12.2004 passed by the District Collector, Visakhapatnam, in so far as it related to Survey No.315/8 of Deshapatrunipalem Village, Paravada Mandal, Visakhapatnam District.

3. By order dated 28.04.2005, this Court directed *status quo* obtaining as on that day to be maintained as regards the nature and possession of the land in question. This order was made absolute on 17.06.2008.

4. Thereafter, the Tahsildar, Paravada, filed a counter-affidavit on behalf of respondents 1, 3 and 5 herein. The Tahsildar admitted in the said counter that the petitioner was assigned an extent of Ac.2.75 cents of dry land in Survey No.315/8 of Deshapatrunipalem Village and that the said assignment was still in operation. In so far as the impugned proceedings dated 09.12.2004 of the District Collector, Visakhapatnam are concerned, he stated that the subject allotment was exclusive of the land assigned to the petitioner and that the authorities never interfered with the possession and enjoyment of the petitioner over the assigned land. He further stated that no decision had been taken to remove the petitioner from the said land and in the event the land was required for a public purpose, action would be taken as per law.

5. In the light of the aforestated stand put forth by the revenue authorities, it is clear that the writ petition was filed on a mere apprehension and that there was no cause for the petitioner to approach this Court.

6. Duly taking on record the stand put forth by the Tahsildar, Paravada Mandal, the writ petition is closed. Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

SANJAY KUMAR, J.

Date: April 23, 2015.

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