

**HON'BLE SRI JUSTICE C. PRAVEEN KUMAR**

**WRIT PETITION No.10449 of 2011**

**ORDER:**

As there was no representation on behalf of the petitioners on 25.08.2015, the matter was directed to be listed on 02.09.2015 under the caption "for dismissal". In spite of matter being posted under the caption "for dismissal" there was no representation on behalf of the petitioners on 02.09.2015. As a final chance the same was listed to 04.09.2015 under the same caption. Even today also there is no representation on behalf of the petitioners either in the morning or in afternoon session. Hence, heard learned Government Pleader for Revenue and perused the record.

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the third respondent in threatening to dispossess the petitioners from their lands admeasuring Ac.2.00 cents in Sy.No.190 situated at Devarapalli Village, Totlavalluru Mandal, Krishna District, without issuing any notice and without following due process of law, though the petitioners are in lawful possession by virtue of lease granted by the first respondent vide Procs. D.Dis.No.E6.6348/97 dated 07.10.1997, as illegal, arbitrary and unjust; and consequently to direct the third respondent not to dispossess the petitioners from the said land in any manner.

The averments in the affidavit filed in support of the writ petition would show that pursuant to the representation made by the petitioners, the second respondent recommended the name of

the petitioners to the first petitioner herein for grant of lease. In pursuance of the recommendations of the second respondent, the first respondent granted lease of land measuring Ac.2.00 cents in Sy.No.190 in favour of the petitioners along with others. Subsequent to grant of lease, the petitioners approached the second respondent and third respondent to hand over the physical possession of the land by demarcating the boundaries. On 13.10.2011 physical possession was handed over to the petitioners in the presence of Sarpanch. It is stated that after delivery of possession, the petitioners made the land fit for cultivation by removing the big boulders and bushes by investing huge amount, fixed the electric motor and raised sugarcane crop. While things stood thus, the third respondent knowing fully well that the petitioners were granted lease, came to the lands and threatened the petitioners to vacate the said land. Though the petitioners showed the proceedings issued by the first respondent, the third respondent threatened the petitioners to dispossess them within a couple of weeks. Challenging the action of the third respondent the present writ petition is filed.

As stated earlier, there is no representation on behalf of the petitioners. Though no counter is filed, but the Government Pleader for Revenue on instructions submits that the lease was granted initially for a period of three years and there is any amount of doubt as to the possession of the property with the petitioners. The claim of the petitioners is that they are still in possession of the land and are raising sugarcane crop.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the third respondent to follow the due process of law in evicting the petitioners from the

land, if they are in actual and physical possession of the property. No order as to costs.

Miscellaneous Petition, if any, pending in this Civil Revision Petition, shall stand closed.

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**JUSTICE C. PRAVEEN  
KUMAR**

18.09.2015  
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