

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

-

WRIT PETITION No. 10659 of 2015

-

ORDER:

It is the case of the petitioners is that the petitioners had encroached upon the land over an extent of Ac.0-02½ cents each in Survey No.8-B, Mittalapalem village, Atchampet mandal, Guntur district. The 2nd petitioner's husband encroached upon the Government land over an extent of Ac.0-06 cents in Survey No.8-B about thirty years back. The contention of the petitioners is that, after demise of the husband of the 2nd petitioner, the petitioners made an application before the 3rd respondent to assign the land to them. The 3rd respondent, after conducting an enquiry and recognising the possession of the petitioners, issued a certificate under the name and style of "Nivesha Sthala Dhruveekarana Patramu", confirming their possession. The grievance of the petitioners is that efforts are being made at the instance of the Sarpanch, Mittapalem village, to allot the lands for the purpose of Anganwadi School building, and without following due process of law, they are sought to be evicted.

2. Heard learned counsel for the petitioners and the learned Assistant Government Pleader.

3. The material placed on record reveals and confirm that the petitioners are in possession of the land in Survey No.8-B and the same is evident even from the proceedings of the Tahsildar, Atchampet mandal, dated 26.03.2015, wherein a notice came to be issued.

4. In the circumstances, interest of justice would be served if a direction is issued to the respondents not to evict the petitioners without following due process of law, as applicable in the case. Till such time orders are passed, the petitioners' possession

and enjoyment of the property in issue shall not be disturbed in any manner.

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

Miscellaneous petitions, if any pending, shall stand closed.

CHALLA KODANDA RAM, J

16th April, 2015

ksm