

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 18117 of 2012

ORDER:

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Heard learned counsel for the petitioners and Government Pleader for Revenue. With the consent of both the parties, the writ petition is heard at the admission stage itself.

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondent in trying to dispossess the petitioners from the land admeasuring Ac.2.50 cents in Sy.No.44/2 and Ac.1.50 cents in Sy.No.44/1 respectively of Polukonda Village, Nandivada Mandal, Krishna District, without following due procedure, as illegal and arbitrary; and consequently direct the respondent not to dispossess the petitioners without following due process of law.

The averments in the affidavit filed in support of writ petition would show that the government assigned land admeasuring Ac.2.50 cents in favour of petitioner No.1 vide LD No.10/1411 dated 05.08.2011 and land admeasuring Ac.1.50 cents in favour of petitioner No.2 vide LD No.9/1411 dated 05.08.2011 and D-Form pattas were also granted in their favour. In the year 2003 the entire surrounding area were converted into fish tanks and the petitioners were also forced to dig fish tanks and eke out their livelihood from the income derived therein. While things stood thus, on 22.05.2012 at about 11.00 a.m. the staff of respondent came to the landed property and threatened the petitioners to deliver possession of the property so as to enable the respondent to assign the property to third parties. It is

alleged that without following the due process of law, the respondent is trying to interfere with the peaceful possession and enjoyment of the petitioners over the said property. Challenging the same the present writ petition came to be filed.

A counter came to be filed by the respondent denying the averments made in the petition. It is stated that the D-Form pattas produced by the petitioners are not genuine and that they are not in possession of the said land. Hence, it is said that there is no need to issue notices to the petitioners under any Act. However it is stated that the land is still a vacant land.

On 19.06.2012 this Court while issuing notice before admission granted stay of dispossession of the petitioners from the property.

As seen from the material on record the petitioners claim themselves to be in possession of the land, where as the counter filed on behalf of the respondent show the petitioners are not in possession of the land.

Having regard to the circumstances of the case, the writ petition is disposed of directing the respondent not to dispossess the petitioners from the land admeasuring Ac.2.50 cents in Sy.No.44/2 and Ac.1.50 cents in Sy.No.44/1 of Polukonda Village, Nandivada Mandal, Krishna District, if they are in possession, without following the due process of law. No order as to costs.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN

KUMAR

16.09.2015

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