

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 32971 OF 2011

ORDER:

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The present Writ Petition came to be filed seeking to declare the action of respondent No.2 in dispossessing the petitioners from the lands in Survey Nos.104(18), 104 (9), 114/2(3), 104/12, 104/8, 114/2(10), 104/6, 114/2(8), 104/14, 114/2(3), 104/11, 114/2(2), 104/8 and 114/2(10) admeasuring Acs. 0.25 cents, 0.13 cents, 0.17 cents, 0.17 cents, 0.0 ½ cents, 0.15 ½ cents, 0.02 cents, 0.14 cents, 0.16 cents, 0.17 cents, 0.17 cents, 0.16 cents, 0.0 ½ cents and 0.15 ½ cents respectively situated at Ramanujupalle Village, Tirupati (Rural) Mandal, Chittoor District as illegal and arbitrary and consequently direct respondent No.2 not to evict the petitioners from the said lands.

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

It is stated that pursuant to the Ek Sal Patta granted in favour of the petitioners by the Mandal Revenue Officer, Tirupati (Rural) vide order dated 10.08.1986, passed in D.Dis.1126/86, the petitioners are cultivating the said lands is in question. It is stated that the petitioners have been in possession of the said lands since a long time and even though the land belongs to the Government, the respondents cannot dispossess them without following the due process of law either under A.P. Land Encroachment Act, 1905 (for short, 'the Act of 1905') or any other law. It is further submitted that earlier some of the occupants approached this Court by filing W.P.No.4622 of 2006 and this Court disposed of the said Writ Petition on 19.03.2006 directing the respondent therein not to dispossess the petitioners therein without following due process of law. It is averred that subsequent to the order dated 19.03.2006, respondent No.2 herein has been trying to evict the petitioners herein from the said land without following due process of law

on the ground that the petitioners herein have not obtained any orders from this Court. It is further averred that respondent No.2 has not even followed the procedure prescribed under Section 7 of the Act of 1905 before preventing the petitioners from entering into the said property.

Hence, this Writ Petition.

Having regard to the facts and circumstances of the case, the second respondent is directed not to dispossess the petitioners from the lands mentioned above without following due process of law, if the petitioners are still in possession of the property.

Accordingly, the Writ Petition is disposed of. No order as to costs.

Consequently, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

17.07.2015
vhb