

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 8814 of 2011

ORDER:

-

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

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondents in trying to dispossess the petitioners from the lands situated at West Bapatla, Bapatla Mandal, Guntur District, as illegal and arbitrary.

The averments made in the affidavit filed in support of the writ petition would show that the petitioners are the absolute owners and purchasers of land admeasuring Ac.0.09 cents, 9.394 sq.links, 9.394 sq.links, Ac.0.05 cents, Ac.0.11 cents, Ac.0.19 cents and Ac.0.06 cents in S.No.1392/1B, S.No.1392/1B, S.No.1392/1B, 1385/1A, 1390/1E and 1392/1B situated at West Bapatla, Bapatla Mandal, Guntur District, having purchased the same vide registered sale deeds dated 11.02.1987, 22.06.1996, 11.02.1987, 16.04.1987, 17.09.2005, 28.03.2005 and 09.01.1987 respectively, and since the date of purchase, they have been in possession and enjoyment of their respective land by doing cultivation. The respondents are said to have issued a notice dated 27.03.2007 in the name of the father of the 1st petitioner wherein it was stated that the father of the 1st petitioner was in possession of the land admeasuring Ac.0.20 cents in S.No.1392/1B, though the 1st petitioner is the absolute owner and possessor of the said property. Similar notices were issued to other persons, but not to the actual title holders and possessors of the land. It is stated that though the petitioners brought to the notice of the respondents about

the discrepancies in the extents, survey numbers and also the names of the occupants, no steps were taken to rectify the mistakes. It is also stated that when the petitioners approached the 4th respondent and explained the position, they were informed that they would receive further notices of hearing as per Rules. However, no action has been initiated till date. While things stood thus, the officials of the respondents are alleged to have been trying to take measurements by deputing a surveyor and also trying to dispossess the petitioners from the land, without following the due process of law. Hence, the present writ petition.

No counter is filed on behalf of the respondents opposing the averments made in the writ petition.

Though various grounds are raised in the writ petition, the learned counsel for the petitioners restricts his prayer seeking a direction to the respondents not to dispossess the petitioners from the land, without following the due process of law, for which the learned Government Pleader for Revenue did not object.

Having regard to the circumstances stated above and without going into the merits of the case, the Writ Petition is disposed of, directing the respondents not to dispossess the petitioners from the land admeasuring Ac.0.09 cents, 9.394 sq.links, 9.394 sq.links, Ac.0.05 cents, Ac.0.11 cents, Ac.0.19 cents and Ac.0.06 cents in S.No.1392/1B, S.No.1392/1B, S.No.1392/1B, 1385/1A, 1390/1E and 1392/1B respectively situated at West Bapatla, Bapatla Mandal, Guntur District, without following the due process of law. There shall be no order as to costs.

Consequently, miscellaneous petitions pending if any in the writ petition shall stand dismissed.

JUSTICE C. PRAVEEN KUMAR

24th August, 2015
cbs

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 8814 of 2011

24th August, 2015

cbs