

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

—
WRIT PETITION No.11609 of 2005

ORDER:

Heard the learned Counsel for the petitioner. None appeared for the respondents.

It is the case of the petitioner that she is a landless poor person residing at Sarapaka Village, Burgampad Mandal, Khammam District. She purchased an extent of Ac.0.33½ cents in Survey No.263 of Sarapaka Village, Burgampad Mandal, Khammam District, from one Kilari Ramanamma under an unregistered sale deed dated 09.04.1988. She developed the said land and made it fit for cultivation. While so, she received a letter dated 02.05.2005 from the third respondent asking her to vacate the land. It is her case that no notice was issued before passing the said order under Section 6 of the Madras Act 3 of 1905. Even though she had approached the third respondent and explained her case, the order was not reviewed. In those circumstances, the present Writ Petition was filed.

No counter affidavit is filed even after ten years.

A perusal of the impugned order shows that the said order was passed in a proforma without applying the mind to the facts of the case and no reasons were assigned for passing such order.

In the circumstances, the impugned order dated 02.05.2005 of the third respondent in respect of Ac.0.33½ cents of land in Survey No.263 of Sarapaka Village, Burgampad Mandal, Khammam District, belonging to the petitioner, is set aside, and the Writ Petition is allowed. However, if the respondents want to initiate proceedings under the Land Encroachment Act, they have to follow the due process of law, and till such time, the possession of the petitioner shall not be disturbed. The miscellaneous petitions pending, if any, shall stand closed. There shall

be no order as to costs.

(A.RAMALINGESWARA RAO, J)

06.03.2015
vs