

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 33049 of 2012

ORDER:

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Heard learned counsel for the petitioner and Government Pleader for Revenue. With the consent of both the parties, the main 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 respondents in trying to dispossess the petitioner and trying to interfere with his peaceful possession and enjoyment over the land admeasuring Ac.0.10 cents situated in Sy.No.76/2 of Seetharamnagar Colony, Bhadrachalam Town, Khammam District, without issuing any notice, as illegal, arbitrary and violative of principles of natural justice; and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioner over the said land.

The factual matrix of the case is that the petitioner claims to have been in possession of land admeasuring Ac.9.82 cents in Sy.No.76/2 and Ac.11.48 cents in Sy.No.76/1. The said land is Bhadrachalam Zamin Estate Land and the same was gifted to the father of the petitioner by the then Zamindar in the year 1954. Since then the father of the petitioner is in possession of the same and has been paying the cist regularly. When the Revenue Authorities, at the instance of a political group, put the sign boards in the vacant site, the Settlement Officer enquired into the matter and issued Settlement Patta on 20.05.1980 stating that the petitioner and his family members are lawful owners of the schedule property. After the death of the father of the petitioner, when the revenue authorities trying to dispossess the petitioner and his family members from the land, the petitioner and his family members filed W.P.No.2080 of 2005 against the respondents. By an order, dated 13.12.2010, this Court disposed of the writ petition directing the respondents therein not to interfere with the peaceful possession and enjoyment of the petitioner over the land without following due process of law. In spite of that, the respondents, without issuing any notice and without following any procedure, are trying to dispossess the

petitioner from the schedule property. Hence, the writ petition.

When the matter is taken up for hearing, the Government Pleader for Revenue submits that the respondents are not interfering with the possession and enjoyment of the petitioner and the allegation made in the affidavit filed in support of the writ petition are all false and invented for the purpose of this case.

Recording the submission made by the Government Pleader for Revenue, without going into the merits and having regard to the orders passed by this Court in W.P.No.2080 of 2005, the writ petition is disposed of directing the respondents not to dispossess or interfere with the possession and enjoyment of the petitioner over the land admeasuring Ac.0.10 cents situated in Sy.No.76/2, Seetharamnagar Colony, Bhadrachalam Town, Khammam District, 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

03.11.2015

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