

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 17711 of 2011

ORDER:

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

With the consent of both the parties, the writ petition is disposed of at the admission stage itself.

The present writ petition is filed to declare the action of respondent No.3 in trying to dispossess the petitioners from the land admeasuring Ac.2.00 cents in Sy.No.1061, (2) Ac.2.00 cents in Sy.No.1063/3A, Ac.2.00 cents in Sy.No.106-2, Ac.2.00 cents in Sy.No.106-5A, Ac.1.65 cents in Sy.No.106-5A and Ac.2.00 cents in Sy.No.106-4A, situated at Palthur Village, Vidapankal Mandal, Ananthapur District and not allowing them to raise crop in the said land, as illegal, arbitrary and violation of Articles 14, 19 and 21 of the Constitution of India.

The averments in the writ petition are as under:

The petitioners claiming themselves to be the owners of land situated at Palthur Village, Vidapankal Mandal, Ananthapur District. The details of which are as under:

	Extent	Sy.No.
Petitioner No.1	Ac.2.00 cents	106-1
Petitioner No.2	Ac.2.00 cents	106-3A
Petitioner No.3	Ac.2.00 cents	106-2
Petitioner No.4	Ac.2.00 cents	106-5A
Petitioner No.5	Ac.1.65 cents	106-5A
Petitioner No.6	Ac.2.00 cents	106-4A

It is stated that the said lands were assigned to them in the year 1993 and since then they are in possession and enjoyment of the same.

Though some of the assignees died, their legal heirs are in possession and enjoyment of the said property. While things stood thus, the third respondent issued proceedings vide Rc.No.177/A/2010 dated 17.07.2010, recommending the Station House Officer, Vidapanakal Police Station to provide police protection in their favour. At that point of time, the petitioners filed W.P.No.20887 of 2010 questioning the same. In the said writ petition, the Station House Officer, filed counter stating that except an entry being made in the general dairy with regard to the recommendation of the third respondent providing police protection in favour of respondent Nos.4 to 6, no further steps have been taken in providing police protection. It is stated that the third respondent is making hectic efforts to dispossess the petitioners from the land and is also making efforts to hand over the land in favour of the declarants. Hence, the present writ petition.

Learned Government Pleader for Revenue on instructions submits that the allegations made in the writ affidavit are all false and invented for the purpose of this case.

Though the learned counsel for the petitioners has raised various grounds challenging the proposed action of third respondent, he submits that a direction to the third respondent to follow due process of law before initiating any action would suffice the purpose. Learned Government Pleader for Revenue states that he has no objection for the same.

Without going into the merits of the case and in view of the representation made by the learned counsel for the petitioners that the petitioners are in possession of land, the third respondent shall not evict the petitioners from the land admeasuring Ac.2.00 cents in Sy.No.1061, (2) Ac.2.00 cents in Sy.No.1063/3A, Ac.2.00 cents in Sy.No.106-2, Ac.2.00 cents in Sy.No.106-5A, Ac.1.65 cents in Sy.No.106-5A and Ac.2.00 cents in Sy.No.106-4A, situated at Palthur Village, Vidapanakal Mandal, Ananthapur District, if they are in possession, without following

the due process of law.

With the above direction, 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

10.07.2015
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