

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH

WRIT PETITION No. 14633 of 2011

Between:

Sarpuru Chenchurathnamma and another

.. Petitioners

and

The District Collector, Chittoor, and others

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 23.07.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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| 1. Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be marked to Law Reporters/Journals? | Yes/No |
| 3. Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? | Yes/No |

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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ORDER:

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

The present writ petition came to be filed seeking a writ of mandamus declaring the action of the respondents in trying to interfere with the peaceful possession and enjoyment of the petitioners' property and also in trying to change the entries in the revenue records, without issuing any notice, as illegal and arbitrary.

The averments in the writ petition would show that both the petitioners being the agricultural coolies were granted DKT pattas on 27.01.1992 to an extent of Ac.1.50 cents in Survey No.29/1A and Ac.0.92 cents in Survey No.29/1B respectively situated at Gudimallam Revenue Village, Yerpedu Mandal, Chittoor District and since then they are in peaceful possession and enjoyment of the same without any disturbance from any quarter. It is stated that the names of the petitioners were reflected in all the revenue records and pattadar passbooks and title deeds were granted in their favour. It is further stated that when some third parties tried to interfere with their possession and enjoyment of the property, the petitioners filed O.S.No.272 of 2009 on the file of the Principal Junior Civil Judge,

Srikalahasti, for permanent injunction. The suit was decreed in their favour on 20.01.2010 and the judgment has become final as the same was not challenged by the defendants therein. While things stood thus, the revenue officials started interfering with the possession and enjoyment of the property by the petitioner, at the instance of third parties. On 09.05.2011 and 13.05.2011, the subordinates of the 3rd respondent are said to have threatened the petitioners to vacate the property stating that their names were not recorded in the revenue records. Hence, the present writ petition.

The 3rd respondent filed his counter denying the averments made in the writ petition and further stated that DKT pattas were granted to the petitioners, but till date they are not cancelled. It is stated that the DKT pattas were issued in respect of Water Course Poramboke, which is prohibited for assignment, and no orders have been issued by the District Collector under the provisions of the Board Standing Orders changing the classification of the land from Water Course Poramboke to Assessed Waste Dry. It is further stated in the counter that necessary steps, if are to be initiated, will be in accordance with law, and the petitioners will be put on notice of the same, if any action is to be taken. It is also stated that there is no interference by the revenue authorities with regard to the possession of the petitioners over their property.

In view of the averments made in the counter filed by the 3rd respondent, the Writ Petition is disposed of, by directing the respondents not to take any coercive steps against the petitioners, 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 closed.

JUSTICE C. PRAVEEN KUMAR

23rd July, 2015
cbs

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