

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.13772 OF 2012

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DATED: 25.06.2015

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Between:

Smt. Nagamani Nagaarpalli

.. Petitioner

And

The State of A.P., Rep. by Prl. Secretary to Government,
Revenue Department, and others.

.. Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.13772 of 2012

ORDER:

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The grievance of the petitioner was that the revenue and the police authorities were illegally interfering with her possession over an extent of 70 square yards in R.S.No.877/2 of Sunkaravari Thota, Venkatapuram Village, Eluru Mandal, West Godavari District, without due process of law.

According to the petitioner, she is the absolute owner of the subject land by virtue of the possession certificate dated 13.02.2009 issued to her by the Tahsildar, Eluru Mandal.

By interim order dated 11.05.2012, this Court directed the respondent authorities not to interfere with the petitioner's possession over the subject land except in accordance with the due procedure laid down by law.

The Station House Officer, Eluru Rural Police Station, West Godavari District, addressed written instructions dated 21.05.2012 to the office of the learned Government Pleader for Home, wherein he stated that no complaint had been received and no criminal case had

been registered against the petitioner on the file of the said police station. He therefore asserted that the police never interfered with the property of the petitioner.

The Tahsildar, Eluru, filed a counter-affidavit on behalf of the revenue authorities stating that the petitioner had encroached into R.S.No.878 of Venkatapuram Village, which was classified as canal poramboke. He denied that she was in possession of 72 square yards in R.S.No.877/2 as per the possession certificate given by the Tahsildar, Eluru, but had occupied land in the canal poramboke. He denied that there was any interference with the land situated in R.S.No.877/2, which was covered by the possession certificate.

In the light of the afore-stated counter-affidavit averments, this Court is of the opinion that the disputed question as to whether the petitioner is in possession of the land in R.S.No.877/2 or in the canal poramboke in R.S.No.878 of the village cannot be decided by this Court in exercise of writ jurisdiction.

The writ petition is accordingly closed leaving it open to the revenue authorities to take appropriate action as warranted in accordance with the due procedure laid down by law.

Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

JUSTICE SANJAY KUMAR

25th June, 2015

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