

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.8874 of 2015

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Between:

Kumari Koncha Anasuya

PETITIONER

AND

1. The State of Andhra Pradesh, rep. by its Principal Secretary, Revenue Department, A.P. Secretariat, Hyderabad, and others.

RESPONDENTS

ORDER:

The case of the petitioner is that his sister, who is unsound mind, was assigned land in an extent of Ac.0.80 cents in Sy.No.484/2 and Ac.0.10 cents in Sy.No.487/2 of Mukkollu Village, Prathipadu Mandal, East Godavari District vide proceedings of the 4th respondent in the year 2011, and after issuing D Form patta, his sister's name was mutated in the revenue records and pattadar passbook and title deed were also issued showing the name of the petitioner as her guardian, and since then, they are in possession and enjoyment of the said land by raising

commercial crops. Vide proceedings dated 05.05.2012 the petitioner was also granted permission by the 4th respondent for digging bore well in the said land. While so, on 14.03.2015 and again on 25.03.2015 when the 4th respondent came to their land and threatened to dispossess them from the land in question, the petitioner approached this Court by way of the present writ petition.

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Revenue (A.P.) for respondents.

When the matter came up for admission on 01.04.2015, the learned Assistant Government Pleader was directed to get instructions.

To day, on instructions the learned Assistant Government Pleader for Revenue submits that the petitioner's possession and enjoyment shall not be interfered with by the respondents without following due process of law.

Having considered the rival submissions, the writ petition is disposed of with a direction to the respondents not to dispossess the petitioner from the land in question as long as the patta granted in favour of the petitioner's sister is not cancelled or suspended and pattadar passbook issued in her favour petitioner's possession shall not be interfered with in any manner. Such interference would clearly be in violation of the rights guaranteed to the petitioner under Article 14, 19, and 21 of the Constitution of India. It is needless to mention that any interference by the respondents 2 to 4 with the rights of the petitioner without following due process of law would expose them violation of orders of this Court as well as necessary punitive damages in their personal capacity. No costs. As a sequel, miscellaneous petitions, if any, shall stand closed.

CHALLA KODANDA RAM, J.

10th April, 2015

Js.