

HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No. 26717 of 2011

ORDER:

Heard the learned counsel appearing for the petitioner and learned Government Pleader appearing for the respondents. With the consent of both the parties, this Writ Petition is disposed of at the stage of admission.

The present Writ Petition is filed seeking issuance of writ of mandamus declaring the action of the respondents in making attempts to dispossess the petitioner from the lands admeasuring Ac.1.00 cents of dry land in Sy.No.105/5 situated at Chakrayapalem village, H/o. Davuluru, Kollipara Mandal, Guntur District, without due process of law as illegal, arbitrary and against the principles of natural justice and violative of Articles 14, 19 and 300-A of the Constitution of India and consequently direct the respondents not to interfere with the possession and enjoyment of the petitioner's lands without following the due process of law.

The learned counsel for the petitioner submits that the petitioner purchased the above land from her vendors after verifying all the link documents and since the date of her purchase i.e., from 28.04.1985 she is in possession and enjoyment of the same without any interruption. The

first respondent was pleased to issue pattedar pass book in her favour vide Patta No.1013 and subsequently she also applied for agricultural loan from the Banks . It is stated that she has been paying the cist to revenue authorities and her name was also mutated in all the revenue records. It is further stated that the 1st respondent along with his staff is trying to evict the petitioner without assigning any reasons. When questioned, the 1st respondent replied that the said lands are going to be assigned to the landless poor. It is also stated that she is a valid purchaser, having been in possession and enjoyment of the lands since 1985 i.e., 26 years without any interruption. The petitioner further states that if the respondents are intended to acquire the said lands, she is entitled to a statutory notice. But in the present matter all the said rules are violated and the respondents are highhandedly threatening to dispossess the petitioner from her lands. Hence, the present Writ Petition.

No counter is filed by the respondents till date but the learned Government Pleader opposed the same, basing on the instructions received by him. The grievance of the petitioner is that though she is the owner of the land admeasuring Ac.1.00 cents of dry land in Sy.No.105/5 situated at Chakrayapalem village, H/o. Davuluru, Kollipara Mandal, Guntur District, the first

respondent is threatening to dispossess her without issuing any notice. Without going into the merits, having regard to the circumstances of the case, the Writ Petition is disposed of directing the respondents to follow the due process of law to evict the petitioner, if she is in possession of the property.

Accordingly, the Writ Petition is disposed of. No order as to costs. As a sequel to it, miscellaneous petitions pending if any, in this Writ Petition, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

Date:03.08.2015

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