

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.28140 of 2008

ORDER:

The writ petition is filed by the petitioner seeking a writ of mandamus declaring the action of the respondents, particularly respondent No.2 herein in dispossessing the petitioner from her lands from Acs.0.36 cents in R.s.No.266 and Acs.0.05 cents in house site in R.s.No.264/17, 264/7 in Korukollu Village, Kalidindi Mandal, Krishna District, as illegal and arbitrary and consequently direct the respondents not to dispossess the petitioner from the above lands without following due process of law and without notice.

Heard and perused the records.

Learned counsel for the petitioner submits that the respondents are trying to dispossess the petitioner from her lands without following due process of law and as such, prays this Court to direct the respondents not to dispossess the petitioner without following due process of law.

This Court is of the view that the writ petition is filed with an apprehension that the respondents may dispossess the petitioner from her lands. The petitioner has not produced any document to show that the respondents are trying to dispossess the petitioner from the lands in question.

On the other hand, learned counsel appearing on behalf of the second respondent filed a counter affidavit to the effect that the petitioner is an encroacher of the Government land and that the land, which is claimed by the petitioner as the owner, is the Government land. It is also stated in the counter affidavit that the concerned Mandal Revenue Officer has issued notice to the petitioner, along with the other encroachers, to vacate the Government land and that except the petitioner, all the other encroachers have vacated the Government land, and that the said land is required for construction of Water Tank

to meet the water demand of the villagers.

In view of the rival submissions of the counsel, this Court is of the view that even if the respondents intend to evict the petitioner from the Government land, which is encroached by the petitioner, they have to follow due process of law. Hence, the writ petition is disposed of with a direction to the respondents to follow due process of law if the respondents intend to evict the petitioner from the encroached land for construction of any water tank.

The writ petition, with the above direction, is disposed of. There shall be no order as to costs. Consequently, miscellaneous petitions, if any shall also stand disposed of.

JUSTICE RAJA ELANGO

21.04.2015
pln