

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

WRIT PETITION No.34422 OF 2015

ORDER:

The petitioners claim to be in possession of property to an extent of Ac.15.66 cents in Survey No.218/1 situated at Ratnayyammampeta Village, Hamlet of Kumarapuram, Payakaraopeta Mandal, Visakhapatnam District.

The petitioners state that from the date of their ancestors, they are cultivating the said land and their possession was also recognized by the revenue authorities. They also state that an enquiry was conducted on 16.09.2015 and report was given by the Village Revenue Officer confirming the possession and enjoyment of the petitioners and issuance of pattadar pass books and title deeds.

While so, it is alleged that the 5th respondent gave a notice to the petitioners in Rc.No.660/2015/SA, dated 20.09.2015 asking them to submit objections on or before 05.10.2015 with regard to the land admeasuring Ac.4.26 cents in the aforesaid survey number on the ground that it is a Government Poramboku (Chaviti para).

The petitioners state that they have given detailed representation on 05.10.2015 along with necessary documents. However, apprehending that they are likely to be dispossessed, the present writ petition is filed.

I have gone through the record including the report dated 16.09.2015 of the Mandal Revenue Inspector, on which learned counsel for the petitioners placed strong reliance. The said report is a factual report given to the 5th respondent and it is true that the petitioners are in possession and standing paddy is in Ac.06.00 of land. However, since the 5th respondent has given a notice and petitioners have

given reply, it is for the 5th respondent to consider the said reply and take appropriate decision in the matter. Further, if the 5th respondent comes to a conclusion about possession of the petitioners is on any ground of objectionable, he has to follow due process of law. Hence, at this stage, I do not see any cause of action to entertain the writ petition and it appears to have been filed only on mere apprehension, which cannot be the basis for entertaining the writ petition.

Accordingly, the writ petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions pending in this writ petition, if any, shall stand closed.

VILAS V.AFZULPURKAR, J

14.10.2015

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DATE: 14.10.2015

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