

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 17452 of 2012

ORDER:

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Heard learned counsel for the petitioner and Government Pleader for Assignment. With the consent of all the parties, the main writ petition is heard at the admission stage itself.

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of respondent Nos.2 and 3 in threatening to dispossess the petitioner from the land admeasuring Ac.0.33 gts., in Sy.No.58/2 situated at Velikatta Village, Torrur Mandal, Warangal District, without following the due process of law and without issuing notice, as illegal and arbitrary; and consequently to direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioner in respect of the above said land.

The averments in the affidavit filed in support of the writ petition are as under:

The grand father of the petitioner was in peaceful possession and enjoyment of land admeasuring Ac.3.15 gts., in Sy.No.58/2 situated at Velikatta Village, Torrur Mandal, Warangal District. After his death, the father of the petitioner and his brother Bandu Chandraiah succeeded to the same and were eking out their livelihood by doing cultivation. Since the said Bandu Chandraiah was the head of the family, his name was entered in the revenue records. Later, the said land was divided through a partition deed dated 03.05.2011 and the petitioner got Ac.0.33 gts. Since then, the petitioner claims to be in peaceful

possession and enjoyment of the same. While things stood thus, on 06.06.2012, respondent Nos.2 and 3 at the instance of respondent Nos.4 and 5 are alleged to have come to the land and threatened the petitioner to dispossess him. Hence, the present writ petition.

A counter came to be filed by respondent No.2 disputing the ownership of the petitioner over the said land. It is stated that the partition deed which is relied upon by the petitioner is not valid since the land was assigned in favour of Bandu Jajiri Gopaiah and the petitioner is neither the legal heir of Bandu Jajiri Gopaiah nor pattadar of the said land. He also denies interference of respondent Nos.1 to 3 in the schedule land.

Without going into the merits of the case and having regard to the admission made in the counter that respondent Nos.1 to 3 are not interfering with the possession of the petitioner over the schedule land, the present writ petition is disposed of in terms of the admission made in the counter. No order as to costs.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

**JUSTICE C. PRAVEEN
KUMAR**

02.12.2015
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