

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 9507 of 2011

ORDER:-

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue appearing for the respondents 1 to 3. With the consent of both the parties, the main writ petition itself is heard at the admission stage.

The case of the petitioners is that they are the possessors of land to an extent of Ac.1.43 cents situated in S.No.849/1 and Acs.4.71 cents situated in S.No.914/1 of Enugondapalem Revenue Village. The said land was in possession and enjoyment of the father of the petitioners 2 and 3, by name, Dase Naik and a patta was issued in his favour. Subsequently, the patta was cancelled due to political rivalry, but however, he was in possession. While so, the 4th respondent filed O.S.No.69 of 1991 on the file of the Junior Civil Judge, Vayalpad, seeking permanent injunction against the petitioners restraining them from interfering with his possession and enjoyment of the said land. During the pendency of the said suit, the 3rd respondent passed orders assigning land to an extent of Acs.2.46 cents in S.No.914/1A and further extent of Ac.0.57 cents in S.No.849/1A in favour of the 4th respondent. He also assigned land to an extent of Acs.2.30 cents in S.No.914/1B in favour of the 1st petitioner and Ac.0.87 cents in S.No.849/1B in favour of the 2nd petitioner. Claiming that he is entitled for assignment of the entire land, the 4th respondent preferred an appeal before the

Revenue Divisional Officer, Madanapalle, who by his orders dated 19.08.1994 confirmed the orders passed by the 3rd respondent. Aggrieved by which, the 4th respondent preferred a revision before the 2nd respondent. In the meantime, the suit filed by the 4th respondent was decreed. Aggrieved by the same, the petitioners filed A.S.No.23 of 1999 on the file of the Senior Civil Judge, Piler, which was allowed on 01.10.2000. As no appeal was preferred against the judgment passed in the said appeal suit, the same has become final. As the appeal filed by the petitioners was allowed and the 4th respondent did not accept the assignment granted to him, the remaining extent of land was assigned in favour of the petitioners 3 and 4 and all the petitioners were issued patta passbooks and title deeds. Thereafter, the revision filed by the 4th respondent before the 2nd respondent was dismissed. It is stated that the respondents 1 to 3 are trying to dispossess the petitioners from the land without following the due process of law. Questioning the action of the respondents 1 to 3 in trying to dispossess the petitioners from the land, the present writ petition is filed.

The learned Government Pleader for Revenue appearing for the respondents 1 to 3 opposed the petition contending that the petitioners have no right or title over the land and, as such, the averments in the writ petition are incorrect.

Be that as it may, the request of the petitioners in the present writ petition is to direct the respondents 1 to 3 not to dispossess them from the land for which pattas were granted in their favour. Having regard to the circumstances of the case

and since the petitioners are claiming to be in possession of the land even as on today, the respondents 1 to 3 are directed not to dispossess the petitioners from the land, if they are still in possession, except following the due process of law.

With the above direction, the Writ Petition is disposed of.
There shall be no order as to costs.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed.

C. PRAVEEN KUMAR, J

1st July, 2015
cbs

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