

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

Writ Petition No.20766 of 2012

Date: 16-09-2015

Between:

Tadi Ramulamma and 6 others

.. Petitioners

AND

The State of Andhra Pradesh, represented
by its District Collector, Visakhapatnam and
another

.. Respondents

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

Writ Petition No.20766 of 2012

ORDER:

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Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue. With the consent of the counsel for both parties, the writ petition is disposed of.

2. The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondents in seeking to dispossess the petitioners from their respective lands admeasuring Ac.1.76cents, Ac.2.00 cents, Ac.1.00 cents, Ac.1.00 cents, Ac.2.24 cents, Ac.1.00 cents and Ac.1.00 cents in Survey No.365 of Pedamushidivada village, Parwada Mandal,

Visakhapatnam District without issuing any notice and giving opportunity, as illegal and arbitrary and for a consequential direction to the respondents not to dispossess or interfere with the possession of the petitioners over their respective lands without following due process of law.

3. The grievance of the petitioners is that one Munagapaka Pydithalli, the father of the 5th petitioner, who was a political sufferer was assigned Ac.10.00 cents of land in Survey No.365 at Pedamushidivada village of Parwada Mandal, vide patta dated 31-08-1979. It is stated that in the year 1980 the said political sufferer partitioned the said land with his son and the same was recorded in the revenue records vide Kaata No.1002 and 1003. Thereafter, in the year 1983 and 1984, the said political sufferer and his son, the 5th petitioner herein, for their personal and domestic requirement, alienated part of the land admeasuring Ac.7.76 cents and both of them have executed documents, while retaining the part of the land of the 5th petitioner. It is further stated that from 1979 to 2012 there was never any objection from any corner but in the last week of May, 2012, some persons claiming to be from the office of the 2nd respondent visited the land of the petitioner and directed the petitioner to vacate from the said land as it is a Government land. Questioning the action of the respondents in trying to evict the petitioners, the present writ petition came to be filed.

4. Though various grounds are raised in the affidavit filed in support of the petition, the learned counsel for the petitioners restricts his request seeking a direction to the respondents not to dispossess the petitioners without following due process of law.

5. Though no counter is filed, the learned Government Pleader for Revenue states that the authorities will not take any coercive steps for dispossessing the petitioners from the property without following due process of law.

6. A perusal of the material on record show that the petitioners have purchased their respective lands from the 5th petitioner and thereafter their names were mutated in the revenue records. That being the case, the respondents cannot take any steps for dispossessing the petitioners from their respective properties without following due process of law.

7. In view of the above, the writ petition is disposed of directing the

respondents not to dispossess the petitioners from the land without following due process of law. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

C. PRAVEEN KUMAR, J

Date: 16-09-2015

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