

HON'BLE SRI JUSTICE S.V.BHATT

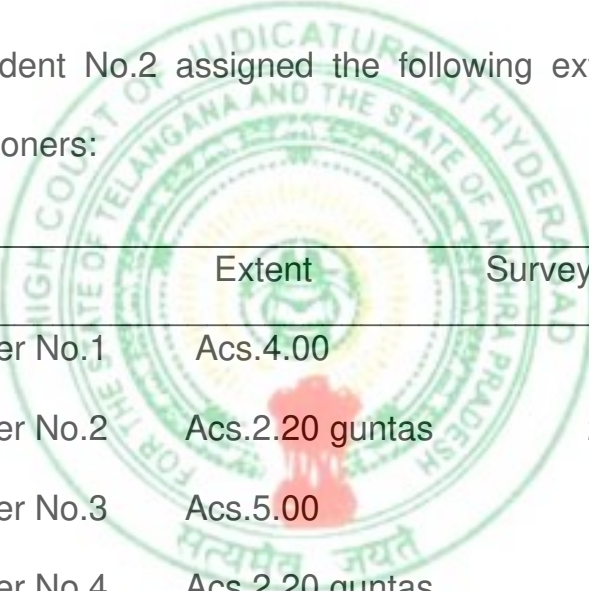
WRIT PETITION No.20923 of 2011

ORDER:

Petitioners pray for mandamus declaring the threatened action of dispossession from agricultural land in Survey No.273, at Dammapeta Village and Mandal, Khammam District when final patta certificates and pattadar pass books are subsisting, as illegal, arbitrary and unconstitutional.

The admitted and undisputed circumstances are as follows:

Respondent No.2 assigned the following extents of land in favour of petitioners:



Sl.No.	Extent	Survey Number
Petitioner No.1	Acs.4.00	273
Petitioner No.2	Acs.2.20 guntas	273
Petitioner No.3	Acs.5.00	273/1
Petitioner No.4	Acs.2.20 guntas	273/1

The case of the petitioners is that Survey No.273 is a vast extent of land and the assignments of above extents are granted with definite boundaries. Now, the grievance is that the respondents, when the final patta certificates are subsisting and pattadar pass books and title deeds issued to the petitioners are in operation, at the instance of interested persons, petitioners'

possession is disturbed without following the procedure stipulated by law.

Respondent No.2 filed counter-affidavit. Paragraph '4' of the counter-affidavit allays the fears of petitioners. It is convenient to excerpt paragraph '4' of the counter-affidavit to marginalize the issues of fact between the parties.

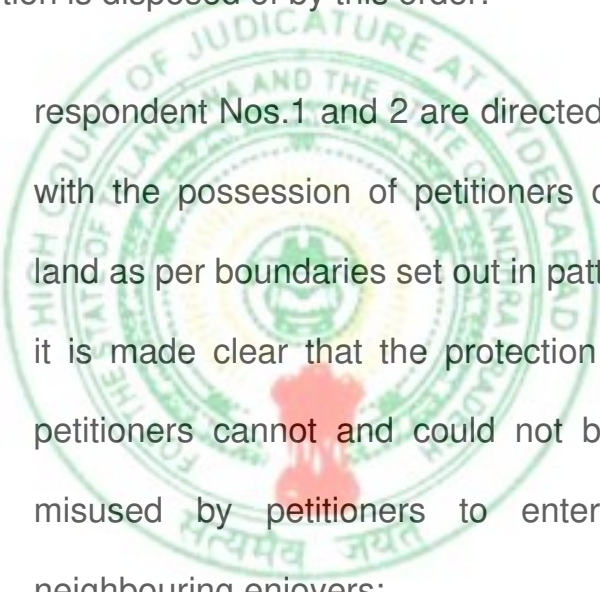
"In reply to para No.4 of the affidavit, it is submitted that the allegation of the petitioners that the sub-ordinate staff of respondent No.2 entered on the land of writ petitioners on 19.07.2011 and demanded to vacate the writ petitioners and to deliver possession of the same in a week otherwise they will evict the writ petitioners by use of police force is absolutely false. In deed, the office staff of respondent N.2 did not enter on the land in Survey No.273/1 which is in possession of writ petitioners on the said date and the office of respondent No.2 never intended to evict the writ petitioners. The office of respondent No.2 did not cancel the pattadar pass books and title deeds of the writ petitioners, hence no proceedings were initiated in that regard. Respondent No.2 neither proposed cancellation of pattadar pass books and title deeds nor eviction of writ petitioners from the above said land. It appears that the writ petitioners are under baseless apprehension that they will be evicted by the office of respondent No.2 without following the procedure."

Respondent Nos.3 and 4 have been impleaded on 29.11.2011. The grievance of respondent Nos.3 and 4 is that the instant writ petition has been filed to expand the enjoyment of land i.e. over and above the land assigned to them, and that petitioners, by virtue of the pattas issued in their favour and the interim order

granted by this Court on 26.07.2011, are interfering with the land in possession and enjoyment of respondent Nos.3 and 4.

The petitioners, in anticipation of dispossession, have filed the instant writ petition. Respondent No.2 admitted assignments in favour of petitioners and has further gone on record by submitting that he is not intending, in fact, and the fears expressed on alleged dispossession are unfounded.

Keeping in view the objection raised by respondent Nos.3 and 4, the writ petition is disposed of by this order:

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- (a) respondent Nos.1 and 2 are directed not to interfere with the possession of petitioners of the assigned land as per boundaries set out in patta certificates;
 - (b) it is made clear that the protection granted to the petitioners cannot and could not be expanded or misused by petitioners to enter the land of neighbouring enjoyers;
 - (c) if any, dispute about the identity or extent of assignments is presented for consideration to respondent No.2, respondent No.2 is directed to cause survey, fix boundaries and thereafter, extend the protection granted by this Court.

Writ petition is disposed of as directed above. It is further made clear that if possession of respondent Nos.3 and 4 is threatened by anyone including petitioners, they are given liberty to work out their remedies in a properly instituted proceeding or suit.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

S.V.BHATT,J

Dt:01.09.2016

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