

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No.39983 OF 2016

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking the following the relief:

“to direct the respondents not to dispossess the petitioners from their respective house site patta land situated in S.No.60/16B, 60/17B, 60/12 and 60/13 of Epigunta Village, T.Narsapuram Mandal, West Godavari District in file No.271/2003 dt.07.10.2003 and 29.01.2004 by the 3rd respondent, pending disposal of the writ petition.”

2. Heard learned counsel for the petitioners and learned Assistant Government Pleader for Revenue. With their consent, the writ petition is disposed of at the stage of admission.

3. The only ground urged by learned counsel for the petitioners is that the respondents are trying to dispossess the petitioners from the lands situated in S.No.60/16B, 60/17B, 60/12 and 60/13 of Epigunta Village, T.Narsapuram Mandal, West Godavari District, without following due process of law.

4. Learned Assistant Government Pleader for Revenue would submit that any action going to be taken by the authorities shall only be in accordance with law.

5. A perusal of the record shows that earlier petitioners approached this Court by way of W.P.No.7048 of 2008 and this Court by an order, dated 01.07.2011 disposed of the said writ petition. Operative portion of the order reads as under:

“It is case of the petitioners though pattas earlier granted to them were intact, respondents were taking steps to dispossess the same from the plots allotted to them, but,

as is evident from the counter-affidavit filed on behalf of the respondents, petitioners failed to take possession of the respective plots allotted to them; therefore pattas granted to them earlier have been cancelled vide proceedings dated 14-03-2008. In that view of the matter, it cannot be said that respondents were taking steps to grant pattas to third parties during the subsistence of pattas in the names of the petitioners. In any event, as it is stated in the counter-affidavit that, now, all the petitioners have been issued fresh pattas over the land admeasuring Ac.0.02 cents each and were already put in possession of the respective plots, wherein they have also started constructions, I see no ground to grant the relief as prayed for, at this stage.

From the reading of the above order, it is clear that the petitioners have been issued fresh pattas in respect of land admeasuring Ac.0.02 cents each and they were already put in possession of the respective plots.

6. Now, the respondents are trying to dispossess the petitioners from the subject lands without following due process of law.

7. Having regard to the above, the Writ Petition is disposed of directing the respondents not to dispossess the petitioners from their respective house site patta lands in S.No.60/16B, 60/17B, 60/12 and 60/13 of Epigunta Village, T.Narsapuram Mandal, West Godavari District, without following due process of law, if they are still in possession of the same. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

NOVEMBER 21, 2016

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Date:21.11.2016

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