

THE HON'BLE SRI JUSTICE S.V.BHATT

W.P.NO.17701 OF 2011

ORDER

Heard Mr. Prabhakar Reddy for petitioners and the Assistant Government Pleader (Assignment) for respondents.

The petitioners pray for mandamus declaring the action of respondents seeking to evict petitioners from agricultural land in an extent of Acs.4.21 guntas in Sy.No.51/6 to 11, 51/18, 51/21 and 51/24 of Chilkanagar, Naiguda, Uppal Kalsa village, as illegal, arbitrary and unconstitutional.

Counsel for petitioners firstly tried to convince this court that in the larger extent of Acs.70-00 cents in Sy.No.51, the petitioners being the successors in interest of original assignees, are in actual and physical possession in an extent of Acs.4.16 guntas, but having regard to admitted fact situation that the assignment is not in favour of petitioners, but petitioners claim to be either children or grandchildren of original assignees and no proceeding transferring the assignment to the successors in interest, is filed by the petitioners, the contention is not seriously pressed.

Mr. Prabhakar Reddy realizing the difficulty in pressing the prayer as made in the writ petition, requests the Court to permit the petitioners to represent to respondents 2 and 3 for recognizing them as successors in interest of assignees, transfer assignment and thereafter, continue to lawfully enjoy the property.

The request of counsel for petitioners is not opposed by Assistant Government Pleader.

Hence, the writ petition is disposed of as follows:

The petitioners are given liberty to represent to respondents 2 and 3 with regard to the subject matter of the writ petition, within four weeks from the date of receipt of a copy of this order. The respondents are directed to examine the request with reference to original record, enquire into the succession claimed by the petitioners and pass orders in accordance with law. The said exercise shall be completed within a further period of twelve weeks from the date of receipt of the representation. No order as to costs.

The interim order dated 24.6.2011 is directed to be maintained for a period of three months from today.

It is needless to observe that the respondents 2 and 3 shall complete the enquiry into the representation of the petitioners within the time prescribed by this court.

Miscellaneous petitions pending if any, shall stand closed.

AVS

30—08—2016