

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.4116 OF 2010

DATED 17TH OCTOBER, 2016

BETWEEN

Vallabhaneni Kasi Annapurnamma

....Petitioner

And

State of Andhra Pradesh,
Rep. by its District Collector, WG District, at Eluru and ors

..Respondents.



HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.4116 OF 2010

ORDER:

Challenging the action of respondents in insisting the petitioner to vacate from her agricultural land admeasuring Ac.2.82 cents comprised in Sy.No.414/2 of Tirumaladevipet Revenue Village, T.Narasapuram Mandal, WG District pursuant to the notices dated 31.08.2009, 23.12.2009 and 14.11.2009 issued by them without any authority of law, the present Writ Petition is filed.

The petitioner claims to be the D.Form Patta holder in respect of the aforesaid land. It is her case that pursuant to the grant of D. Form Patta, her name was mutated in the revenue records and pattadar pass book and title deed were issued in her favour. While so, the respondents issued notices dated 31.08.2009, 23.12.2009 and 14.11.2009 calling explanation from her as to why she should not be evicted from the land in question. Challenging the same, the present Writ Petition is filed.

This Court while admitting the Writ Petition on 24.02.2010 granted interim direction in WPMP.No.5151 of 2010, which reads as under:

“The petitioner asserts that the 3rd respondent assigned to her an extent of Ac.2.82 cents of agricultural land in survey number 414/2 in Tirumaladevipet Village, vide D.Form patta

dated 07.04.2001, and since then she has been in possession and enjoyment of the same, and later, her name was mutated in the revenue records. While so, she states that when the 4th respondent tried to interfere with her possession, she filed O.S. No.229 of 2007 on the file of the Junior Civil Judge's Court, Chintalapudi for permanent injunction, and the same was decreed in her favour on 20.03.2009. It appears that the 4th respondent made a representation to the Human Rights Commission stating that the petitioner encroached his land and in that connection the 3rd respondent issued a Notice dated 23.12.2009 directing the petitioner to appear before him for enquiry. Now, the petitioner's grievance is that in pursuance of the notice, the 3rd respondent, on 18.02.2010, visited her land with police and threatened her to vacate the land in question.

The fact that the petitioner was assigned the land in question vide D.Form Patta dated 07.04.2001, and she is uninterrupted possession and enjoyment of the same, and the suit filed by her was decreed in her favour, would go to show that the land in question is an assigned land, and unless and until the assignment granted in favour of the petitioner is cancelled, she cannot be asked to vacate the land in question.

Under those circumstances, there shall be interim stay as prayed for."

Learned Counsel for the petitioner submitted that pursuant to the interim order of this Court dated 24.02.2010, no final order has been passed in the matter. It is further submitted that pursuant to the notices dated 31.08.2009, 14.11.2009 and 23.12.2009 issued by the second and third respondents, the petitioner has submitted her explanation and the same is pending consideration.

In view of the aforesaid submissions of the learned Counsel for the petitioner, interest of justice would be best served if the third respondent is directed to consider the explanation submitted by the petitioner and pass final orders. In that view of the matter, the Writ Petition is disposed of directing the third respondent to consider the explanation submitted by the petitioner pursuant to the notices dated 31.08.2009, 14.11.2009 and 23.12.2009 and pass final orders, on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order, after affording due opportunity of hearing to the petitioner as well as fourth respondent. Till then, interim order granted on 24.2.2010 would continue

Subject to the above, the Writ Petition is disposed of. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE A. RAJASHEKER REDDY

DATED 17th October, 2016.
Msnr_x