

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.34317 OF 2016

ORDER:

This Writ Petition under Article 226 of the Constitution of India is preferred by the petitioner to declare the action of the respondents in trying to evict the petitioner from the land to an extent of Acs.2-68 cents in survey No.611/4, Ac.0-61 cents in survey No.611/5, Acs.2-50 cents in survey No.612/4 and Acs.2-08 cents in survey No.616/1, total admeasuring Acs.7-87 cents situated at Marupuru Village, Podalakuru Mandal, SPSR Nellore District, without following due process of law, as illegal and arbitrary.

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Revenue (AP). With their consent, the Writ Petition is disposed of at the admission stage itself.

It is the case of the petitioner that she purchased the subject land through registered sale deed No.1075/1985 dated 26.2.1985, got her name entered in the revenue records and was also issued pattadar passbooks and title deeds. She alleges that the revenue officials visited the subject premises, directed the petitioner to vacate the land and thereby obstructed the workmen of the petitioner from attending the agricultural operations in the said land. Aggrieved over the same, present writ petition is filed.

Learned counsel for the petitioner would submit that in an earlier occasion, when the respondent authorities made a similar effort of evicting the petitioner from the subject land, the petitioner

preferred W.P.No.24904 of 2012, which was disposed of by this Court on 14.08.2012 directing the respondents not to dispossess the petitioner from the subject land except by initiating proceedings under the Land Acquisition Act, 1894, (for short 'the Act'). Thereafter, the respondents remained silent and again started interfering with the possession of the petitioner. Hence, the present writ petition.

It is well settled that whenever the Government needs land for any public purpose, it is under obligation to take necessary steps for acquiring the required extent of land. If the said land is held by private individuals, the proceedings under the Act are to be initiated. On the other hand, if the government land is occupied by any person, he/she can be evicted by following due process of law. It is the case of the petitioner herein that no notice has been issued to her, much less any proceedings being initiated against her.

In that view of the matter, the writ petition is disposed of directing the respondents not to dispossess the petitioner from the subject land except by following due process of law. There shall be no order as to costs.

Miscellaneous petitions pending in this writ petition, if any, shall stand closed.

C. PRAVEEN KUMAR, J

Date: 17.10.2016

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