

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.16443 OF 2011

ORDER::

This writ petition is filed seeking to issue a writ, more particularly one in the nature of writ of mandamus, to declare the action of the 4th respondent in making attempts to demolish the compound wall and illegally dispossess 1st petitioner from the land to an extent of 514 sq. yards situated at Lakshmipuram Village, Warangal District, purportedly on the oral instructions of 3rd respondent-Joint Collector, Warangal District, as being illegal, arbitrary, and without jurisdiction and for issuance of consequential directions.

2. The case of the petitioners is that 2nd petitioner's mother and her predecessors in title have been in possession of the subject land for more than 70 years, but basing on the report submitted by the Assistant Director, Survey and Land Records, Warangal, allegedly, behind the back of the petitioners, on the ground that 2nd petitioner's mother had encroached the land in question, the 4th respondent initiated proceedings under AP Land Encroachment Act for eviction and the proceedings are pending. Petitioners state that based on the possession of the land in question by the 2nd petitioner's mother and her predecessors in title, they

have perfected the title to the land and based on that premise they have also filed a suit being OS No.158 of 2006 on the file of Principal Senior Civil Judge, Warangal, for declaration of title against respondents 2 and 4 in respect of the land in question.

3. Grievance of the petitioners is that 1st petitioner being the purchaser of the land to an extent of 2420 sy. yards including the subject land, under a registered agreement of sale-cum-GPA for development of the property from the mother of the 2nd petitioner, he constructed compound wall, the 4th respondent tried to demolish the same without following the due process of law. It is also stated that the petitioners have submitted explanations to the notices issued by the 4th respondent-Tahsildar, and no orders have been passed and the same are pending.

4. Heard learned counsel for the petitioners and learned Assistant Government Pleader for Revenue.

5. Inasmuch as the petitioners have already submitted explanation to the notice issued by the 4th respondent seeking their eviction from the land in question, and no orders are said to have been passed by the 4th respondent-Tahsildar thereon, the writ petition is disposed of directing the 4th respondent to pass appropriate orders thereon in accordance with law. Till then, interim orders passed earlier by this Court shall continue.

Miscellaneous petitions, if any, pending in this writ petition shall also stand disposed of. No order as to costs.

A.RAJASHEKER REDDY, J

Dated: 24-10-2016
NRG



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