

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.18845 of 2006

ORDER:

The petitioners, claiming to be tribals and residents of Chaparallapalli village situated in agency area of East Godavari District, filed the present writ petition alleging the interference by the Station House Officer, Devipatnam Police Station, East Godavari District. The petitioners claim that they are in peaceful possession and enjoyment of the land to an extent of 4.04 hectares in Survey No.27 of Chaparallapalli Village. It is also their case that the said land is going to be sub-merged in Polavaram project, for which the Government is acquiring the land. The cause of action for the writ petition according to them arose on 21.07.2006 when respondent No.1 came along with two constables to their land and obstructed their entry to the land.

This Court initially disposed of the writ petition on 05.06.2007, against which one Nagulakonda Manga Raju, third party to the proceedings, preferred W.A. No.771 of 2007 before the Division Bench of this Court. When the Division Bench of this Court enquired from the counsel appearing for the writ petitioners with regard to patta granted in favour of the third-party in 1996, learned counsel for the writ petitioners accepted the same. The said Writ Appeal was disposed of on 28.09.2007 with a direction that the writ petition be listed before appropriate Bench for fresh adjudication.

A counter affidavit is filed by respondent No.1 stating that there is no truth in the allegation that he is interfering with the possession of petitioners and threatening them not to enter in their land. He categorically stated that he never interfered with the

peaceful possession and enjoyment of the petitioners' lands in question. He further stated that no complaint was received against them and hence, the question of calling and harassing them does not arise.

At this stage, learned counsel appearing for the appellant in W.A. No.771 of 2007, who got himself impleaded as respondent No.6 in the present writ petition, submitted that the petitioners filed L.T.R.P. No.3 of 2006 before the Special Deputy Collector, Tribal Welfare, East Godavari District at Rampachodavaram arraying respondent No.6 herein as respondent No.2 and the said petition is pending before the competent authority.

In view of the denial of allegation of interference by respondent No.1 and in view of the pendency of L.T.R.P.No.3 of 2006 between the petitioners and respondent No.6 before the competent authority, this Court is not inclined to decide the title and possession of the petitioners in the present writ petition. However, it is open to the petitioners and respondent No.6 to establish their title and possession to the land in the said proceedings.

In the absence of any proof of interference by respondent No.1, this Court feels that no orders are necessary in this writ petition and accordingly, this writ petition is closed. No order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

A.RAMALINGESWARA RAO, J

04.04.2016
MVA