

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.9863 OF 2011

AND

W.P.MP.No.40189 OF 2015

ORDER:

The Writ Petition is filed seeking to direct the respondents not to interfere with the possession of the petitioner in respect of the land admeasuring Ac.13-09 cents (Ac.1-00 in Survey No.518-A and Ac.12-09 cents in Survey No.518-B) of Parlapalli Village, Vidavalur Mandal, Kavali Division, Nellore District, without following due process of law.

2. The case of the petitioner is that she is the absolute owner and possessor of the subject land vide Patta No.307 having purchased the same from one K. Sri Krishna Rudra Prasad on 05.03.1989 and she is regularly paying agricultural cess. As she is a resident of Hyderabad, she has engaged one Buchi Reddy, a resident of the Village, as care taker of the subject land and since 1989 she has been in continuous possession and enjoyment of the same by cultivating the same. On 01.04.2011, as she came to know that the officials of respondent No.3 are trying to take over possession of the subject land. Hence, filed the present Writ Petition.

3. It is submitted by the learned counsel for petitioner that though the petitioner has purchased the

subject land from third party and though she was issued pattadar pass book and title deed in respect of the same, the respondent authorities are trying to dispossess her from the subject land without following due process of law.

4. This Court, by order, dated 13.04.2011, while admitting the Writ Petition granted interim direction not to interfere with the possession and enjoyment of the petitioner in respect of the subject land.

5. During pendency of the Writ Petition, W.P.MP.No.40189 of 2015 is filed by a third party to implead him as respondent No.4 in the Writ Petition on the grounds that he has right in the subject land and that he has also been issued pattadar pass book and title deed in respect of the subject land and as such, he is a necessary and proper party for adjudication of the *lis* in the Writ Petition.

6. Since the petitioner in the aforesaid petition is also claiming right over the subject land, the implead petition is allowed.

7. As the interim order passed by this Court is in operation from 2011 onwards and as the learned counsel for parties have requested to dispose of the Writ Petition with a direction to the respondent authorities to issue notice to the petitioner and respondent No.4 before taking

any further action for dispossession from the subject land, having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the Writ Petition with a direction to respondent No.3 to issue notice to the affected parties before taking any further action. Till then, the interim order, dated 13.04.2011, granted in favour of the petitioner shall continue to operate.

8. Accordingly, the Writ Petition is disposed of. Miscellaneous Petitions, if any, pending in this Writ Petition, shall stand closed. No costs.

A. RAJASHEKER

REDDY, J

February 22, 2016

MD