

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.25463 OF 2012

ORDER:

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

2. The present Writ Petition came to be filed seeking issuance of a writ of *mandamus* declaring the action of the respondents in interfering with possession and enjoyment of the petitioners over the land to an extent of Ac.0.96 cents in Sy.No.1385/1 and an extent of Ac.1.02 cents in Sy.No.1385/2 of Settigunta Village, Railway Kodur Mandal, YSR District and issuing proceedings to grant assignment of house site pattas in the said land for Scheduled Caste and Scheduled Tribe Community people of the said village, as illegal and arbitrary.

3. At the time when the matter is taken up for hearing, learned Government Pleader for Revenue submits that in the month of August, 2012 the matter was adjourned directing the petitioners to produce the documents to show that they are the owners and possessors of the land in dispute.

4. As seen from the proceeding sheet, no interim order was passed in favour of the petitioners at any point of time. The writ petition was filed alleging that the respondents are interfering with their possession and enjoyment over the land in dispute. In the absence of any interim order, it cannot be said that the respondents are still trying to encroach on to the land of the petitioners and that there is a threat of dispossession even after

four years from the date of filing of the writ petition, more so, in the absence of any interim order in favour of the writ petitioners. Hence, question of granting any order in favour of the petitioners at this stage would not arise.

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5. Accordingly, the Writ Petition is dismissed. However, the petitioners are at liberty to renew their request afresh by showing necessary grounds if the said apprehension still persists.

Consequently, Miscellaneous Petitions, if any, pending in this writ petition, shall stand closed. There shall be no order as to costs.

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JUSTICE C. PRAVEEN KUMAR

Date:01.02.2016

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