

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 13775 OF 2012

ORDER:

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Heard learned Government Pleader for Revenue and perused the records.

The present Writ Petition came to be filed seeking to declare the action of respondent Nos.1 to 4 in trying to dispossess the petitioner from the land admeasuring 72 square yards in R.S.No.883 in 877/2 in Sunkaravari Thota, Venkatpuram (V) Panchayat, Eluru Mandal, West Godavari District, without issuing any notice and without following due process of law, as illegal and arbitrary.

The averments in the affidavit filed in support of the Writ Petition would show that the petitioner claims herself to be the owner and possessor of the land admeasuring 72 square yards in R.S.No.883 in 877/2 in Sunkaravari Thota, Venkatpuram Village Panchayat, Eluru Mandal, West Godavari District, and was given possession certificate by respondent No.4 on 21.01.2008. It is averred that when the petitioner intended to construct a residential house in the said premises, the respondents visited the land in possession of the petitioner on 03.05.2012, objected to the dumping of the material and tried to dispossess the petitioner from the said land. It is stated that the said action has been done at the instance of the local politicians, only with a view to extract money from the petitioner. Challenging the action of the respondents, the present Writ Petition came to be filed.

A counter affidavit came to be filed by the respondents denying the averments made in the Writ Petition.

A perusal of the material on record would show that in identical cases, this Hon'ble Court in W.P.No.6367 of 2012 and W.P.No.1238 of 2012, directed the respondents not to interfere with the possession of the petitioner from the said land, except in accordance with the due process laid down by law.

It is stated in para No.3 of the counter that as per enjoyment certificate issued by the Tahsildar, Eluru, the petitioner is neither in possession of land in R.S. No.877/2 nor in Survey No.883, but she is in possession of R.S.No.878 classified as canal Poramboke, the occupation of which is objectionable.

From the above, it can be seen that the issue involved is a disputed question of fact. But, however, if the petitioner is in possession of the land, as claimed by her, the respondents shall not dispossess the petitioner, without following due process of law.

Accordingly, the Writ Petition is disposed of. No costs.

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

JUSTICE C. PRAVEEN KUMAR

18.01.2016
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