

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.24364 of 2016

ORDER:

1 This Writ Petition is filed under Article 226 of the Constitution of India seeking writ of Mandamus declaring the action of the respondents in threatening to dispossesses the petitioner from her lands admeasuring an extent of Ac.2-00 guntas in Sy No. 99/14, situated at Gangapur Village, Rebbena Mandal, Adilabud District as illegal and arbitrary, unconstitutional and consequently direct the respondent Nos.5 to 7 not to interfere or dispossess the petitioner from the above said lands without following due process of law.

2 Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

3 The case of the petitioner is that she owned land admeasuring Ac.2-00 guntas in Sy.No.99/14, of Gangapur Village, Rebbena Mandal, Adilabud District. The further case of the petitioner is that the respondents, without having any right whatsoever, are making attempts to dispossess the petitioner from the land in question. The learned Government Pleader for Forests submitted that the petitioner has encroached forest land, therefore, the Writ Petition is not maintainable. Whether the petitioner is in possession and enjoyment of the land in question as pattadar or not is purely a disputed question of fact, which cannot be gone into by this Court, while exercising jurisdiction under Article 226 of the Constitution of India.

4 The apprehension of the petitioner is that the respondents may dispossess her from the land in question without following the due process of law. The further contention of the petitioner is that there is standing crop in the land.

5 Having regard to the facts and circumstances of the case, the respondents are hereby directed not to dispossess the petitioner from

the land in question without following the due process of law.

6 With the above direction, this Writ Petition is disposed of. No order as to costs. As a sequel, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

T. SUNIL CHOWDARY, J

Date: 25.07.2016

Kvsn