

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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WRIT PETITION No.22155 OF 2016
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ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for Tribal Welfare appearing for respondents 1 and 2. With consent of the counsel appearing for both sides, the present writ petition is disposed of at the admission stage.

2. Since this Court is not adjudicating the matter on merits, hearing the unofficial respondents may not be necessary.

3. The present writ petition is filed with the following prayer:

“to issue appropriate writ or order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in seeking to dispossess the petitioners from their house property to an extent of Ac.0.05 cents each (240 square yards) of house site in Sy.No.203/1 situated at Rajavommangi Village and Mandal, East Godavari District without following due process of law as illegal, arbitrary and unjust and in violation of Articles 14, 21 and 300A of the Constitution of India and consequently, direct the respondents not to dispossess the petitioner from his land mentioned above without following due process of law in the interest of justice.”

3. Though various grounds are raised in the writ petition, learned counsel for the petitioners mainly submits that though the subject land was gifted to the petitioners by one Kakarlapudi Subhadra Devi vide Gift Deed dated 01.07.2005 and are in possession of the same, the official respondents are trying to dispossess them without following due process of law.

4. Learned Government Pleader submits that the respondent authorities will not dispossess the petitioners without following due process of law.

5. Having regard to the submissions made, and without going into the merits of the case, the Writ Petition is disposed of directing respondent authorities not to dispossess the petitioners from the property i.e., an extent of Ac.0.05 cents each (240 square yards) of house site in Sy.No.203/1 situated at Rajavommangi Village and Mandal, East Godavari District, without following due process of law.

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:11.07.2016
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