

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.24621 OF 2016

ORDER:

This Writ Petition is filed for the following relief:

“...The Hon’ble Court may be pleased to issue an appropriate writ or order more particularly one in nature of writ of Mandamus declaring the action of the 4th respondent in interfering with the land admeasuring Ac.1-24 cents in Survey No.447-1 situated at Kothacheruvu Village and Mandal, Anantapuram District, without issuing any notice, following procedure as illegal, arbitrary and against the principles of natural justice and consequently direct the 4th respondent not to interfere with the petitioners possession and enjoyment without following due procedure and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

2. The case of the petitioners is that the father of the third petitioner late Venkatappa and his two brothers i.e., petitioner Nos.1 and 2 purchased the land admeasuring Ac.2-52 cents in Survey Nos.447-1 and Ac.1-04 cents in Survey No.446 situated at Kothacheruvu Village & Gram Panchayat, Anantapuram District, through registered sale deed dated 19.05.1970 for valid sale consideration and since then they are in peaceful possession and enjoyment of the said property. While so, third petitioner’s father died in the year 2009 and after his death, his two brothers, one sister, and the third petitioner, have been in possession and enjoyment of the said property. During the life time of father of the third petitioner, himself & other petitioners sold an extent of Ac.1-28 cents in Survey No.447-1 to various persons for construction of dwelling units and after disposing of the same, they retained an extent of Ac.1-24 cents in Survey No.447-1 of Kothacheruvu Village & Mandal, Anantapuram District, and the petitioners are in possession and enjoyment of the same. While the matter stood thus,

the Tahsildar, fourth respondent tried to interfere with the petitioners' land admeasuring Ac.1-24 Cents in Survey No.3447-1 stating that the land belongs to the Government. Questioning the said action of the fourth respondent in interfering with the petitioners' possession without issuing any notice or intimation and without following the procedure prescribed, the present writ petition is filed.

3. Considering the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition directing the respondents not to interfere with the possession of the petitioners over the land to an extent of Ac.1-24 cents in Survey No.447-1 of Kothacheruvu Village & Mandal, Anantapuram District, without following due procedure under law.

With the above direction, the Writ Petition is disposed of.

As a sequel, the miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in the light of this final order.

No order as to costs.

JUSTICE CHALLA KODANDA RAM

July 26, 2016

Note:-

Furnish copy today.

{B/o}

LMV