

THE HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.24838 OF 2012

ORDER:

Heard Mr.M.Sudheer Kumar for petitioner and learned Government Pleader for Revenue. In spite of service, none appears for 4th respondent.

This petition is filed against respondents 1 to 3/official respondents and Talari Munemma, w/o Talari Elumali/4th respondent for Mandamus declaring the action of respondent No.3 in taking steps to handover the land measuring an extent of Ac.0-60 cents out of total extent of Ac.1-62 cents covered by Sy.Nos.246/16, 246/6, 247/11 and 247/13 of Arai Village, Suryanarayanapuram Revenue Village, K.V.B.Puram Mandal, Chittoor District to 4th respondent by dispossessing petitioner, as illegal and unconstitutional.

The case of petitioner is that 3rd respondent through DKT No.146/4/1413 dated 25.01.2004 assigned the subject matter of the writ petition to petitioner. The 3rd respondent issued pattadar passbook and title deed to petitioner. The petitioner is in possession of the land assigned to her. The assignment and/or the pattadar passbook/title deed are subsisting as on date and respondents 1 to 3 tried to take out Ac.0-60 cents from one of the survey numbers, dispossess the petitioner and allot to 4th respondent without recourse to law.

On 09.08.2012, the following interim order was passed:

“Pending further orders, it is directed that the petitioner shall not be dispossessed from any land that is in her possession”.

Mr.M.Sudheer Kumar, counsel appearing for petitioner, fairly submits that petitioner filed O.S.No.117 of 2012 in the Court of the Principal Junior Civil Judge, Srikalahasti for perpetual injunction against 4th respondent and petitioner would work out the relief for

protecting possession in the suit already filed against 4th respondent. He confines his grievance to the threatened action of respondents 1 to 3 in either carving out a portion of land assigned to petitioner or allotting the same to 4th respondent without recourse to law.

The Assistant Government Pleader, on instructions, submits that respondents 1 to 3 are not threatening to either carve out a portion of assigned land or dispossess the petitioner from the assigned land. If at all such situation arises, the respondents shall undertake such exercise and proceed in accordance with law.

The statement is placed on record.

The writ petition is, accordingly, disposed of by directing respondents 1 to 3 not to carve out or disturb the possession of petitioner to an extent of Ac.0-60 cents without recourse to law.

It is made clear that the *lis* between the petitioner and 4th respondent is *sub judice* in the suit referred to in this order and the trial Court would consider the *lis* independently. No costs.

Consequently, pending miscellaneous petitions, if any, also stand disposed of.

S.V.BHATT, J

Date:20.07.2016

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