

THE HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.38564 of 2012

ORDER:

Petitioners pray for the following relief :-

“..... to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Tahsildar A.S.Peta Mandal, S.P.S.R.Nellore District in trying to dispossess the petitioners from the land in Sy.No.26, extent Ac.1.50 cents; Sy.No.23-2, extent Ac.0.80 cents; Sy.No.24, extent Ac.0.50 cents (total extent Ac.1.30 cents); Sy.No.964, extent Ac.2.40 cents; Sy.No.24, extent Ac.2.50 cents; Sy.No.24, extent Ac.1.50 cents respectively situated at Anumasamudram (Vil), A.S.Peta Mandal, S.P.S.R. Nellore District, is arbitrary, illegal, without jurisdiction and also in violation of principles of natural justice and consequently direct the respondents not to dispossess the petitioners from the above said land.....”

On 19-12-2012, the following interim order was passed :-

“Notice before admission.

On instructions, it is submitted by the learned Government Pleader that the lands in question are surplus lands and they were assigned to third parties/landless poor persons and they are clearing the buses and the petitioners are not in possession of the same, and he seeks time to file counter.

Pending further orders, the respondents are directed to maintain status-quo with regard to possessions of the lands in question.”

The respondents have not filed counter.

On instructions, the Assistant Government Pleader submits that the subject land is CJFS land and according to his instructions, the land is given to eligible Scheduled Caste/Backward Class individuals. He further submits that the possession of petitioners, their continuance etc., shall have to be examined independently either by 3rd respondent or 4th respondent. Hence the petitioners can be given liberty to represent to one of the respondents. He submits that the representation will be examined by the authority and appropriate orders are passed.

Si Ch.C.Krishna Reddy reports no objection and requests time for making representation and prays for continuation of the interim order granted on 19-12-2012.

Having regard to the limited submissions of learned counsel, I am satisfied the writ petition can be disposed of by this order.

The petitioners are given liberty to represent to 4th respondent within six weeks from the date of receipt of a copy of this order on the prayers made in the writ petition. 4th respondent is directed to call for the report from the Village Assistant/Revenue Inspector and dispose of the representation within six weeks thereafter.

Status-quo order granted on 19-12-2012 is directed to be maintained till the decision is taken and communicated to petitioners.

The writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions, if any, pending shall stand closed.

Dt: 26-08-2016
Prv

S. V. BHATT, J



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WRIT PETITION No.38564 of 2012

26-08-2016

Prv

