

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

-
WRIT PETITION No.17384 OF 2012
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ORDER:

The present Writ Petition came to be filed seeking issuance of writ of *mandamus* directing respondents 1 to 3 not to interfere with the possession and enjoyment of the petitioners over the agricultural land in Sy.No.772/2 an extent of Ac.5.31 cents and in Sy.No.655/B 7 an extent of Ac.2.86 cents situated at Yerraguntlapalli village, Piler Mandal, Chittoor District without resorting to due process of law, holding that the proposed construction of Agricultural Market Committee Building and market yard in the said lands is arbitrary and illegal.

2. The averments in the affidavit filed in support of the writ petition would show that the petitioners claim to be the owners of the above said land and the family members of the petitioners are eking out their livelihood by doing agriculture in the said land. As they are landless poor people, the petitioners were assigned the above said dry land in the year 1960 and the same was brought under cultivation. The revenue record show that the father of the petitioners as enjoyer and pattadar of the said land. On 26.05.2012 the 3rd respondent sent JCB and tractors to level the land for constructing the Agricultural Market Committee Building and Market Yard without following due process of law, which led to filing the present writ petition.

3. By an order, dated 21.06.2012, this Court while adjourning the matter, passed an interim order directing the respondents not to dispossess the petitioners from the land in question.

4. Though various grounds are raised by the petitioners in the writ petition, learned counsel for the petitioners submits that in view of the interim order passed by this Court, the respondents may not take any coercive steps without following due process of law.

5. No counter is filed by any of the respondents. However, learned Government Pleader for Revenue, on instructions, submits that any action would be taken by following due process of law only.

6. Without going into the merits of the case and having regard to the interim order passed by this Court, the Writ Petition is disposed of directing the respondents not to dispossess the petitioners from the land in Sy.No.772/2 an extent of Ac.5.31 cents and in Sy.No.655/B 7 an extent of Ac.2.86 cents situated at Yerraguntlapalli village, Piler Mandal, Chittoor 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.

JUSTICE C. PRAVEEN KUMAR

Date:05.01.2016
INL