

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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WRIT PETITION No.41518 OF 2015
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ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue. With consent of both the counsel, the present writ petition is disposed of at the admission stage.

2. The present Writ Petition came to be filed seeking issuance of writ of *mandamus* declaring the action of the 1st respondent in threatening to dispossess the petitioner from the property i.e., an extent of Ac.1.75 cents of zeroyat land in Sy.No.275/1 of Tatituru village, Bheemunipatnam Mandal, Visakhapatnam District covered under the registered document No.4661 of 2007, dated 19.05.2007 without following due process of law.

3. The averments in the affidavit filed in support of the writ petition show that the petitioner acquired the above mentioned land under General Power of Attorney-cum-Agreement of sale, dated 19.05.2007. His predecessors had been in continuous possession and enjoyment of the property. While so, officials of the office of the 1st respondent visited the property in question and started threatening to dispossess the petitioner from the property alleging that part of the said property is a Government property. It is further stated that the subject property is a private property and the Government has nothing to do with the same. Even if it is Government property, the officials have to follow the due process of law and the principles of natural justice.

4. Though various grounds are raised by the petitioner in the writ petition, learned counsel for the petitioner submits that the 1st respondent may be directed to follow the due process of law before taking any steps for taking possession.

5. Learned Government Pleader for Revenue did not dispute the same.

6. Without going into merits of the case and having regard to the rival submissions made, the writ petition is disposed of directing the 1st respondent not to dispossess the petitioner from the land to an extent of Ac.1.75 cents of zeroyat land in Sy.No.275/1 of Tatituru village, Bheemunipatnam Mandal, Visakhapatnam District.

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:06.01.2016
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