

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.19306 OF 2012

ORDER:

This Writ Petition is filed seeking to declare the action of the respondents in dispossessing the petitioner from his land admeasuring Acs.1.50 cents in Survey No.35, situated at Sarrampetapadu Village, Addateegala Mandal, East Godavari District, as illegal and arbitrary.

The case of the petitioner is that he is in possession and enjoyment of the lands to an extent of Ac.1.50 cents in Survey No.35 and Acs.4.08 cents in Survey No.34 of Sarrampetapadu Village, Addathagala Mandal, East Godavari District. The rest of the land in Survey No.34 is in possession of eight persons and they have constructed houses in their respective lands and were also issued pattas in their names. The subject land is being cultivated by the petitioner for the last hundred years. While so, the 3rd respondent threatened the petitioner to dispossess him from the subject land without issuing any notice to him. Hence, the present Writ Petition.

The 3rd respondent filed the counter affidavit stating that the petitioner is in illegal occupation of the subject land and no notice is required to be issued for eviction and the rule of adverse possession is not applicable to the present case. It is also stated that the petitioner is a non-tribal and he cannot be in possession over the subject land as the same is in tribal area and prayed for dismissal of the Writ Petition.

Heard learned counsel for the petitioner and learned Government Pleader for Revenue.

This Court, while issuing notice before admission on 28.06.2012, granted *status quo* to be maintained by the parties.

Since it is admitted by the respondents that the petitioner is in possession of the subject land to an extent of Ac.1.50 cents in Survey No.35 of Sarrampetapadu Village, Addateegala Mandal, East Godavari District, he cannot be evicted without following due process of law. Moreover, the petitioner asserts that he is in possession of the subject land for the last 100 years. In the counter affidavit, it is stated that no notice is required to be given to the petitioner and the Writ Petition is filed only on an apprehension. If petitioner is in possession in violation of law, it is open for the competent authority to initiate action according to law for eviction.

In view of the same, the Writ Petition is disposed of directing the respondents not to evict the petitioner from the subject land without following due process of law. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

A. RAJASHEKER REDDY, J

Date:10.03.2016

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