

**HON'BLE SRI JUSTICE C. PRAVEEN KUMAR**

**WRIT PETITION No. 18011 OF 2012**

**ORDER:**

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Heard learned counsel for the petitioners and learned Government Pleader for Revenue. With the consent of both parties, the present Writ Petition is disposed of at the admission stage itself.

The present Writ Petition came to be filed seeking to declare the action of the respondents in interfering with the petitioners' possession and enjoyment of the property in plot Nos.32, 4, 5, 7, 13, 10, 8, 11 and 9 respectively admeasuring 167 square yards situated in Survey No.99, Arogyanagar-II, Sowbhagyarayapuram Village, Pendurthy Mandal, Visakhapatnam District, as illegal and arbitrary.

The averments in the affidavit filed in support of the Writ Petition would show that the said property belongs to one Kandala Narasimham who purchased the same under a registered sale deed dated 22.10.1944, Visakhapatnam from one Simhachalam Das and others. It is stated that the said Kandala Narasimham sold his plots to the petitioners and got the sale deeds executed in their favour. While things stood thus, respondent No.2 i.e. the Tahsildar, Pendurthy Mandal, Visakhapatnam District, is alleged to have gone to the spot on 09.06.2012 and tried to disturb the possession and enjoyment of the property by the petitioners. When the authorities attempted to remove the fencing laid to the said plots, the petitioners questioned the act of the respondents, for which, the respondents replied stating that they were acting at the instance and instigation of respondent No.1 in order to assign the same to eligible persons. Challenging the said action of the respondents, the present Writ Petition is filed.

Though no counter is filed, the learned Government pleader, on

instructions submits that the said land is Government property and that the petitioners have no right to question the action of the respondents with regard to the said property.

Though various grounds are raised, learned counsel for the petitioners restricts his prayer seeking a direction to the respondents not to interfere with the property, without following due process of law as they are in possession of the same.

Without going into the merits of the case and having regard to the request made by the petitioners, the Writ Petition is disposed of directing the respondents not to interfere with the possession of the property situated in plot Nos.32, 4, 5,7,13,10,8,11 and 9 respectively admeasuring 167 square yards situated in Survey No.99, Arogyanagar-II, Sowbhagayarayapuram Village, Pendurthy Mandal, Visakhapatnam District, without following due process of law. No costs.

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

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**JUSTICE C. PRAVEEN KUMAR**

04.01.2016  
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