

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.35403 OF 2016

ORDER:

This Writ Petition is filed by the petitioners by invoking Article 226 of the Constitution of India seeking the following relief:

“... to issue a Writ, Order or direction more particularly one in the nature of Mandamus declaring the action of the respondents in trying to dispossess the petitioners from the lands in Sy No.64 to an extent of Ac.0.05 cents within boundaries: East-Sy No.62 BT Road, West: House of Karri Bhimaraju, South-CC Road and North-Boddeda Kasi Viswanadham House, situated at Chunchukonda Village, Munagapaka Mandal, Visakhapatnam District without following the procedure prescribed under Land Encroachment Act and wanted to allot the land to the 6th respondent for construction of Anganwadi Center is illegal and void and opposed Article, 14, 19, 21 and 300-A of Constitution of India and consequently to direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioner land in question without following due process of law and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case questioning the action of the respondents in trying to dispossess the petitioners from the lands in Sy No.64 to an extent of Ac.0.05 cents within boundaries : East-Sy No.62 BT Road, West: House of Karri Bhimaraju, South-CC Road and North-Boddeda Kasi Viswanadham House, situated at Chunchukonda Village, Munagapaka Mandal, Visakhapatnam District without following the procedure prescribed under Land Encroachment Act and wanted to allot the land to the 6th respondent for construction of Anganwadi Center is illegal and void and opposed Article 14, 19, 21 and 300-A of constitution of India and consequently to direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioner land in question without following due process of law and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard the learned counsel for the petitioners, the learned Government Pleader for Revenue (AP), the learned Government Pleader for Home (AP) and the learned Government Pleader for Social Welfare (AP). With their consent, the Writ Petition is disposed of at the stage of admission itself. There is no necessity to put respondent No.5 on notice as this Court is not venturing to adjudicate the issue on merits.

Though various grounds are raised in this writ petition, the learned counsel for the petitioners restricts his prayer seeking a direction to the respondents not to interfere with the possession of the petitioners except following due process of law. The counsel for the respondents would submit that any action by the authorities would be in accordance with law.

Having regard to the rival submissions made, the writ petition is disposed of directing respondents 2 and 3 not to interfere with the possession of the petitioners and shall not take any steps against the petitioners except in accordance with law.

Miscellaneous petitions pending in this writ petition, if any, shall stand closed. There shall be no order as to costs.

C. PRAVEEN KUMAR, J

Date: 20.10.2016

sur