

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.38694 OF 2016

ORDER:

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

2. The present writ petition came to be filed with the following prayer:

“to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of respondents in insisting the petitioner to vacate from his landed property admeasuring Ac.1.30 cents in Survey No.715/1B situated in Somarajupalle Village, Singarayakonda Mandal, Prakasam District, as illegal, irregular, irrational, without any authority of law and violative of Articles 14, 21 and 300-A of the Constitution of India and consequently, direct the respondents not to interfere in any manner with the petitioner's possession over the said landed properties otherwise than any known procedure established by law.”

3. The averments in the affidavit filed in support of the writ petition would show that the petitioner is in possession and enjoyment of the agricultural land admeasuring Ac.1.30 cents referred to above. It is stated that since the petitioner is a landless poor person, respondent No.4 granted D-Form patta for the aforementioned land through proceedings No.F.D.N.No.44/1407, dated 30.10.1998 and since then, he is in possession and enjoyment of the property. It is further stated that pattadar passbook and title

deed were issued in favour of the petitioner after verifying with the records. But, the respondents are trying to dispossess the petitioner without following due process of law on the ground that the land is required for the purpose of providing house sites to the weaker sections.

4. Though various grounds are raised in the writ petition, learned counsel for the petitioner restricts his prayer seeking a direction to the respondents not to dispossess the petitioner from the land in dispute.

5. Learned Government Pleader for Revenue submits that any action to be taken by the authorities will only be in accordance with law.

6. Having regard to the submissions made, the Writ Petition is disposed of directing the respondents not to dispossess the petitioner from the land admeasuring Ac.1.30 cents in Survey No.715/1B situated in Somarajupalle Village, Singarayakonda Mandal, Prakasam 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:10.11.2016
INL