

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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WRIT PETITION No.6477 of 2016

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ORDER:

This Writ Petition is filed questioning the action of the respondents in attempting to dispossess the petitioners from their respective houses in Kunderu Village, Krishna District. The case of the petitioners is that they are the legal heirs of one late Nanne Saheb. The 1st petitioner's father-in-law by name, Peer Saheb, purchased a house site to an extent of Ac.0.03 cents in Kunderu Village in the form of two bits vide Document No.969/1956 dated 04.06.1956. The father of petitioner No.2 purchased Ac.0.041/3 cents and the father of petitioner No.3 purchased Ac.0.03 cents of house sites in D.No.125/1 in Kunderu Village vide document Nos.2122/1954, 970/1956 dated 15.12.1954 and 04.06.1956, respectively, and that all the petitioners are residing therein by constructing small houses. With a view to construct a new bridge in place of old bridge on Kankipadu and Katuru road, respondents without following the due process are pressurizing the petitioners to vacate their houses. It is also their assertion that neither the land encroachment proceedings nor any proceedings for acquisition of land in terms of the Land Acquisition Act, 1884, are initiated by the respondents.

When the matter came up for admission on 29.02.2016, Sri Ravi Cheemalapati, learned Standing Counsel for respondent No.2, sought time to get instructions and this Court granted *status quo* on that day and the same was extended till 09.03.2016.

Today, when the matter is taken up, the learned Government Pleader for Revenue placed on record the communication dated 01.03.2016 received from the Tahsildar, Kankipadu, wherein it is categorically stated that an award bearing No.1/96 dated 01.08.1996 was passed by the then Special Tahsildar, LAPWD, Krishna Collector's Office, Machilipatnam, stating that the land to an extent of Ac.10.51 cents in R.S.Nos.125/2A, 125/11A, 125/12A, 126/2A, 128/1A of Kunderu Village was acquired. But R.S.No. 125/1 is not form part of the said award. It is further stated that till date the land to an extent of Ac.0.14 cents remains to be a private land and there no requisition from the Irrigation Department to initiate the land acquisition proceedings. Hence, it is clear that no attempt is being made by the respondents to dispossess the petitioners from their respective houses.

Having regard to the averments made in the affidavit filed in support of the writ petition and the communication dated 01.03.2016 placed by the learned Government Pleader for Revenue, wherein it is clarified by the respondent-Authorities that the subject land is a private land, the respondents are directed not to interfere and

dispossess the petitioners from the subject land, without following due process of law. If the subject land is required for any public purpose, the respondent-Authorities are at liberty to initiate proceedings in accordance with law.

With the above directions, this Writ Petition is disposed of. No order as to costs.

Miscellaneous Petitions, if any pending in this writ petition shall also stand closed.

CHALLA KODANDA RAM,J

Date:07.04.2016.
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