

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.28511 of 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking a Writ of Mandamus declaring the action of the third respondent in taking possession of the land in question, as illegal, arbitrary, and without jurisdiction.

2. Heard the learned counsel for the petitioner, the learned Assistant Government Pleader for respondent Nos.1 and 2, Sri G.Seshadri, the learned Standing Counsel for the third respondent, and the learned Government Pleader for Revenue appearing for the fourth respondent.

3. It is the case of the petitioner that she occupied vanka land an extent of 1.50 cents in Survey No.8-4 of Pillanahalli Village, Gudibanda Mandal, Anantapur District nearly 30 years back. It is the further case of the petitioner that she has been in possession and enjoyment of the same for all these years without any interruption from anybody. It is also the case of the petitioner that the respondents have created Handed Over Certificate dated 19.05.2016 in order to evict her from the land in question.

4. The learned Standing Counsel for the third respondent submitted that the land in question was taken over by the third respondent for the purpose of burial ground.

5. The various queries raised by the learned counsel for the petitioner involve complexity of disputed questions of fact, which cannot be gone into while exercising the jurisdiction under Article 226 of the Constitution of India.

6. A perusal of the record reveals that the petitioner submitted a representation to the second respondent on 09.07.2016. For one

reason or other, the second respondent has not disposed of the said representation of the petitioner.

7. At the time of hearing, the only relief sought by the learned counsel for the petitioner is to direct the second respondent to dispose of the representation of the petitioner dated 09.07.2016 as expeditiously as possible. The learned Assistant Government Pleader for respondent Nos.1 and 2 and the learned Standing Counsel for the third respondent also consented for the same.

8. Having regard to the facts and circumstances of the case and also the submissions made by the learned counsel for both parties, the second respondent is hereby directed to dispose of the representation of the petitioner dated 09.07.2016 in accordance with law, as expeditiously as possible, preferably within a period of two (2) months from the date of receipt of a copy of this order.

9. With the above direction, the Writ Petition is disposed of.
No costs.

10. Consequently, Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 24.08.2016
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