

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.23182 of 2011

ORDER:

The petitioners, who claim to belong to Konda Dora community, filed the present writ petition challenging the action of respondents in seeking to dispossess them from their lands to an extent of Ac.4.00 cents and Ac.4.50 cents in Survey No.7/3 situated in Rajampalem Village, Gangavaram Mandal (Agency), East Godavari District without following due process of law.

This Court while admitting the writ petition on 17.08.2011 directed the respondents 1 to 3 not to interfere with the possession of petitioners in respect of the lands in question without following due process of law.

Now, a counter affidavit is filed along with a petition seeking vacation of the said order by the proposed party-respondent No.5, who was impleaded by orders of this Court dated 17.04.2012. She states that she is the owner and possessor of agricultural land admeasuring Ac.16.86 cents in Survey No.7/3 and Ac.5.13 cents in Survey No.3-1 totalling to an extent of Ac.21.99 cents situated in Rajupalem Village and Mandal, East Godavari District. She claims that the said lands were purchased by her father under a registered sale deed dated 15.12.1967 and after his death she came into possession of the said property. She further states that after the death of her husband in January 2011, she gave that land to one Parda Pothuraju Dora with an understanding that she shall bear the expenditure for raising the crop and the yield shall be shared equally, and the said arrangement was being continued till now.

When the petitioners came to the lands in the second week

of October 2011, their interference was resisted. The petitioners showed the copy of order in the present writ petition and respondent No.5 was surprised to notice that the petitioners are also claiming the same property.

No counter affidavit is filed by the official respondents.

In view of the above facts, it is clear that there is a claim for the same land by the petitioners and respondent No.5, in which event they have to settle the matter before the competent Civil Court, but not by way of writ petition. There is no allegation of interference or proof of interference by the official respondents.

In the circumstances, giving liberty to the aggrieved parties to approach the competent Civil Court for protecting their lands this Writ Petition is dismissed. No order as to costs.

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

A.RAMALINGESWARA RAO, J

18.03.2016
MVA