

THE HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.1599 OF 2013

ORDER:

Heard counsel for petitioners and Mr.Eswar, Assistant Government Pleader (Irrigation) for respondent No.1.

The petitioners pray for the following relief:

“..... this Hon'ble Court may be pleased to issue a Writ, order or a direction, more particularly one in the nature of Writ of Mandamus by declaring the action of the Respondents in interfering into the Petitioners peaceful possession without following any due process of law in respect of his private patta lands covered in Sy.No.137 admeasuring Acs.2-31 guntas, Sy. No. 138, admeasuring Acs.1-02 guntas, Sy. No. 140/a, admeasuring Acs.0-15 guntas, Sy. No. 141/a admeasuring Acs.0-12 guntas, Sy. No. 140/a2, admeasuring Acs.0-15 guntas, Sy. No. 141/a2, Acs.0-13 guntas, Sy.No. 140/a3, Acs.0-16 guntas, Sy.No.141/aa3, Acs.0-12 guntas which altogether admeasuring Acs.5-36 guntas situated at Sulthanpur Village, Patancheru Mandal, Medak District at Sangareddy as arbitrary, high handed, illegal and unconstitutional, consequently direct the Respondents not to interfere in the aforesaid lands belonging to the Petitioners without following any due process of law, and pass.....”

The petitioners claim that they are the absolute owners and are in possession of the subject matter of the writ petition. The respondents without recourse to law or affording opportunity to petitioners are trying to interfere with the possession of petitioners, dismantling electrical pole etc., and such actions are *ex facie* illegal and unconstitutional.

On 31.01.2013, having regard to the admitted fact situation and the annexures relied upon by the petitioners, the following order was passed:

“Notice before admission.

It is the case of the petitioners that the lands in question are private patta lands and there is interference by the respondents without conducting any enquiry with regard to their agricultural operations in such lands.

On instructions, it is submitted by the learned Assistant Government Pleader for Irrigation and Command Area Development appearing for the respondents that the lands in question are falling under Full Tank Level.

At the same time, the petitioners are not disputing that their lands are private lands.

In that view of the matter, pending further orders, respondents are directed not to interfere with the agricultural operations of the petitioners over the lands in question. At the same time, the petitioners shall not make any constructions on the lands in question".

The interim order is subsisting as on date.

Respondents neither filed counter affidavit nor sought for vacation of the interim order dated 31.01.2013.

As the grievance is limited, I am satisfied the writ petition can be disposed of by making the interim order dated 31.03.2013 as final order in the writ petition. If the petitioners seek further relief from competent authority, it is always open to the petitioners to approach the authority for such reliefs and the authorities will consider the same in accordance with law.

The writ petition is, accordingly, disposed of. There shall be no order as to costs.

Consequently, pending miscellaneous petitions, if any, stand closed.

S.V.BHATT, J

Date: 18.10.2016
Lrkm