

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No. 36196 of 2016

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Revenue.

2. With the consent of both the parties, the Writ Petition is disposed of at the admission stage.

3. The present Writ Petition came to be filed with the following prayer:

‘For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased to issue a Writ or order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents more particularly the fourth respondent in trying to dispossess the petitioner from the land admeasuring Acs.4.30 cents in Survey No.7/1, situated in 59-Kothurupadu Village, Addateegala Mandal, East Godavari District, without following due process of law, as illegal, arbitrary, violation of Articles 14, 21 and 300-A of the Constitution of India and pass such other order or orders as this Court may deem fit and proper in the circumstances of the case”.

4. Learned counsel for the petitioner submits that the petitioner acquired land admeasuring Acs.4.30 cents in Survey No.7/1, situated in 59-Kothurupadu Village, Addateegala Mandal, East Godavari District, through an unregistered Will dated 04.03.1985,

executed by her paternal aunt, as she had no issues. The revenue authorities, having recognized the title and possession of the paternal aunt of the petitioner, issued pattadar pass books and title deeds duly mutating her name in revenue records. It is stated that the respondent-authorities came to the said land on 15.10.2016 and threatened to dispossess the petitioner, without issuing any notice or reasons therein and hence the present writ petition is filed.

5. The material on record indicates that the petitioner is in possession of land in question. It is to be noted that the petitioner is residing in a tribal area and the land is also situated in agency area. The records placed before the Court would also show that a Will was executed by the maternal aunt of the petitioner bequeathing her property to the petitioner with absolute right over the property.

6. Having regard to the above circumstances, the respondents shall not dispossess the petitioner, if she is in possession, without following due process of law.

7. With the above direction, the writ petition is disposed of.

8. Miscellaneous petitions, pending if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE C.PRAVEEN KUMAR

26.10.2016,
vhh