

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.33857 of 2016

ORDER:

This writ petition is filed under Article 226 of Constitution of India seeking a writ of mandamus declaring the action of third respondent in trying to evict the petitioner from his agricultural land, as illegal and arbitrary.

2. Heard the learned counsel for the petitioner and learned Standing Counsel for third respondent–Gram Panchayat.

3. The petitioner claims to be the owner of an extent of Acs.10.00 viz., Acs.6.96 cents in survey No.194/1 and Acs.3.04 cents in survey No.194/2, of Yerikollu Village, Duttalur Mandal, S.P.S.R. Nellore District. It is the case of the petitioner that respondent Nos.3 and 4, at the behest of respondent No.5, are interfering with the agricultural operations of the petitioner in respect of Acs.10.00 of land. It is the further case of the petitioner that the fifth respondent, without having any valid title, claiming right over the land of the petitioner. Various contentions raised by the learned counsel for the petitioner involves complexity of disputed questions of fact, which cannot be gone into while exercising the jurisdiction under Article 226 of the Constitution of India.

4. At the time of the arguments, the learned counsel for the petitioner requested to pass the order against the respondent Nos.3 and 4 only.

5. Having regard to the facts and circumstances of the case and also the submissions made by the learned counsel for the

petitioner, the respondent Nos.3 and 4 are hereby directed not to interfere with the agricultural operations of the petitioner in respect of the land in an extent of Acs.10.00 viz., Acs.6.96 cents in survey No.194/1 and Acs.3.04 cents in survey No.194/2, of Yerikollu Village, Duttalur Mandal, S.P.S.R. Nellore District without following due process of law.

6. With the above direction, the writ petition is disposed of against respondent Nos.3 and 4, and the writ petition against respondent Nos.1, 2 and 5 is dismissed. No order as to costs. Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

September 30, 2016.

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T.SUNIL CHOWDARY, J.

