

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.7782 OF 2016

O R D E R:

This Writ Petition is filed seeking writ of mandamus declaring the action of the respondents in illegally trying to dispossess the petitioners from their lands situated at Seripur Village, Sarangapur Nizamabad Mandal of Nizamabad District, without issuing any notice to the petitioners and without conducting any enquiry and following due process of law as arbitrary, illegal and violation of Articles 114, 21 and 300-A of Constitution of India.

The case of the petitioners is that the respondents are trying to dispossess the petitioners, without issuing any notices to the petitioners and without following any due process of law, from their lands situated in Sy.No.8/1 admeasuring Ac.1-00 gts., belongs to 1st petitioner, Sy.No.8/3 admeasuring Ac.1-00 gts., belongs to the 2nd petitioner, Sy.Nos.6/2, 6/3, 6/4, 6/5, 6/6/P1, 6/6/P2, 6/6/AA, 6/6/E, totally admeasuring Ac.5-19 gts., belongs to 3rd petitioner and Sy.No.7/1, 7/2, 7/3, 7/4, 8/2 totally admeasuring Ac.5-06 gts., belongs to the 4th petitioner, situated in Seripur village, Sarangapur Nizamabad Mandal of Nizamabad District. The petitioners 1 to 4 are the absolute owners of the said lands as per the Registered Sale Deed Document Nos.2804/2015, dated 12.03.2015; 5921/2015, dated 29.05.2015; 2910/2006, dated 03.03.2006, 3909/2000, dated 05.02.2000 respectively and their names have been mutated in the revenue records.

While so, on 07.03.2016 the respondents came to their land

and claimed that the said land belongs to the government and the petitioners have no right over the said land. Though the petitioners have shown their title deeds and the revenue records, the respondents threatened to dispossess the petitioners as they got orders from the 2nd and 3rd respondents. Since the respondents are government officials and there is every possibility of dispossessing the petitioners from the land by force with the support of police, the petitioners filed the present writ petition.

Heard both sides.

A perusal of the record *prima facie* reveals that the petitioners are the owners of the schedule land and the revenue records show that the petitioners are in peaceful possession and enjoyment of their lands by paying land revenue to the Government. Further, it is the allegation of the petitioners that the respondents, without issuing any notice and without conducting any enquiry, are trying to dispossess the petitioners from the schedule land. Therefore, in the interest of justice it would be appropriate to direct the respondent authorities to issue notices to the petitioners, before evicting them and after taking into consideration of the explanation that is being submitted by the petitioners and after providing opportunity of hearing as required under law and pass appropriate orders in accordance with law. Till such time the final orders are passed, the respondents shall not interfere with the peaceful possession and enjoyment of the petitioners.

With the above direction, the Writ Petition is disposed of. There shall be no order as to costs. In sequel miscellaneous

petitions pending, if any, shall also stand closed.

CHALLA KODANDA RAM, J

Dated: 18.03.2016.

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