

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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WRIT PETITION No.41564 OF 2015
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ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue. With consent of both the counsel, the present writ petition is disposed of at the admission stage.

2. The present Writ Petition came to be filed seeking issuance of writ of *mandamus* declaring the action of the 3rd respondent in trying to dispossess the petitioners by interfering with their peaceful possession and enjoyment over the land admeasuring 3334.77 square yards in R.S.No.251/2A, 2B situated at Madivada village, Akiveedu Mandal, West Godavari District without following due process of law, as arbitrary and illegal and consequently direct the 3rd respondent not to dispossess the petitioners from the above land without following the due process of law.

3. The petitioners are the absolute owners and possessors of the land referred to above having purchased the same from its owners. They filed an application before the 4th respondent seeking permission for construction of shops and residence on 09.12.2015. On 14.12.2015 they started levelling the land in question. While the matter stood thus, the subordinates of the 3rd respondent went to the site and stopped the work and also tried to dispossess the petitioners from the property without assigning any

reason. On enquiry, the 3rd respondent informed them that the subject property is an unauthorized lay out. Then, the petitioners produced documents pertaining to the land and requested them not to interfere with their possession. It is further stated that the 3rd respondent without issuing any notice and conducting any enquiry is trying to dispossess the petitioners from the subject property, which led to filing of the present writ petition.

4. Learned counsel for the petitioners submits that though the petitioners are in possession of the land in question, the 3rd respondent is trying to dispossess them from the land without following due process of law. In support of his contention, he placed on record the sale deeds to show the ownership of the petitioners.

5. Learned Government Pleader for Revenue submits that if the petitioners are in possession and enjoyment of the property in question, the direction as sought for can be ordered.

6. Without going into the merits of the case and having regard to the facts and circumstances of the case, the Writ Petition is disposed of directing the 3rd respondent not to dispossess the petitioners, if they are in possession of the land referred to above, without following due process of law.

Consequently, Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

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JUSTICE C. PRAVEEN KUMAR

Date:06.01.2016
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