

HON'BLE SRI JUSTICE S.V. BHATT

Writ Petition No.20581 of 2017

ORDER:

At request of Assistant Government Pleader (Assignment), the writ petition was adjourned from 22.06.2017 to today, to enable her to get instructions.

2. The petitioners pray for *mandamus* declaring the action of the respondents in dispossessing the petitioners from an extent of 10 cents each in Sy.No.269/ 2 of Pendurthi Village & Mandal, Visakhapatnam District, without recourse to law, as illegal and unconstitutional.

3. The petitioners rely upon proceedings Pc.Nos.46/ 93/ 84 and 47/ 93/ 84 dated 14.04.1993 in support of assignment of 10 cents each in their favour by 3rd respondent. As already noticed, the grievance is that without recourse to law, respondents are trying to interfere with the possession or change the physical features of subject matter of the writ petition. Hence, the writ petition.

4. Learned Assistant Government Pleader on instructions submits that the subject survey number is classified as a '*gadda poramboku*' and immediately 3rd respondent is not in a position to inform the assignment vis-à-vis actual possession of subject matter of writ petition. She requests time for filing counter and secondly, submits that the petitioners can be given liberty to represent to 3rd respondent with all documents and the representation will be considered appropriate decision taken.

5. Having regard to the limited submission, the writ petition is disposed of by this order:

(a) The parties are directed to maintain *status quo* as regards possession and also physical features of subject matter of the writ petition for a period of three months from today;

(b) The petitioners are given liberty to represent to 3rd respondent on the assignment and their enjoyment etc. and 3rd respondent is directed to examine the record and if circumstances warrant take action in accordance with law.

(c) If the assignment is in favour of the petitioners is accepted as genuine, the possession or enjoyment of petitioners shall not be disturbed, except in accordance with law.

No order as to costs. Pending miscellaneous petitions if any in this writ petition shall stand dismissed in consequence.

Date: 27.06.2017
BSS

S.V.BHATT, J



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Date: 27.06.2017

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