

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.1623 of 2009

ORDER:

The petitioners pray for Mandamus declaring order R.C.No.73/08(A) dated 20.04.2008 of 3rd respondent resuming possession of agricultural land measuring 6 acres in Sy.No.702-3B of Jellipalli Village, Kambadur Mandal, Anantapur District, as illegal, arbitrary and unconstitutional.

On 02.02.2009, this Court protected possession of petitioners pending disposal of the writ petition.

The 3rd respondent filed counter affidavit and also petition to vacate the interim order, dated 02.02.2009.

The stand taken in the counter affidavit obviates the requirement of getting into the merits of the case pleaded by petitioners.

Paragraphs 5 and 6 of the counter affidavit read thus :-

“It is to be submitted that as against the resumption orders, the petitioner filed the present Writ Petition. This Hon'ble Court while ordering notice to the respondents was pleased to grant interim stay of dispossession on 02.02.2009. While the Writ Petition is pending, the Revenue Divisional Officer, Dharmavaram in his Proc.D.Dis.791/ 2009/ B dated 09.07.2009 set aside the resumption orders passed by the Tahsildar, Kambadur in Proc.Pc.No.73/ 2008/ B, dated 20.04.2008 and ordered for restoration of the land in S.No.702-3B to an extent of Ac.6.00 of Kambadur village in favour of the petitioners. The copy was served on the petitioners and they have acknowledged the same. The copy of the proceedings of the Revenue Divisional Officer,

Dharmavaram dated 09.07.09 is filed herewith as material paper for kind perusal of the Hon'ble Court. I crave leave of the Hon'ble Court to read the material paper as part and parcel of the counter affidavit.

In the light of the above facts and circumstances and in view of the fact the lands in S.No.702-3B to an extent of 6.00 acres of Kambadur Village were restored in favour of the petitioners by the Revenue Divisional Officer in his proceedings dated 09.07.2009 the writ petition becomes infructuous. Therefore, it is prayed that the Hon'ble High Court may be pleased to vacate the interim orders granted by this Hon'ble Court in WPMP.No.2058 of 2009 in W.P.No.1623 of 2009 dated 02.02.2009 and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

From the above, it is clear that the 2nd respondent ordered restoration of possession to petitioners and the 3rd respondent admits that the writ prayer need not be considered at this juncture.

The writ petition is accordingly disposed of by placing and accepting the stand taken by the 2nd respondent in paragraphs 5 and 6 of the counter affidavit. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Dt: 09-10-2017
Prv

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Prv