

HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.21332 OF 2011

ORDER:

Heard Smt.Sravana Sandhya, holding for Mr.Ramana Allu, counsel for petitioner, the Assistant Government Pleader (Revenue) for respondents 1 and 2 and Mr.N.Sva Reddy, for respondent No.3.

The petitioner, apprehending dispossession without recourse to law from subject matter of the writ petition, prays for the following relief:

“... this Hon'ble Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of Mandamus directing the 2nd Respondent to follow due process of law while acquiring the land of the petitioner in R.S.No. 30/5(2) (old Sy.No. 30/2) to the extent of Ac. 2-51¼ cents in Rachagumadam village, Merakamudidam Mandal, Vizianagaram District in order to handover the same to the 3rd Respondent by declaring the action of the 2nd and 3rd Respondents is without jurisdiction and it is being illegal, arbitrary, and violative of Articles 14, 21 and 300-A of the Constitution of India subsequently direct the 2nd and 3rd respondents not to dispossess the petitioner from their land and pass”

This Court, on 29.07.2011, granted the following interim order:

“There shall be a direction to the respondents not to interfere with the possession of the petitioner in respect of the land in question without following due process of law.”

The 3rd respondent filed petition to vacate the interim order, which having regard to the stand taken by 2nd respondent, this Court is not proposing to consider the stand of 3rd respondent. The 2nd respondent, after explaining the totality of circumstances

under which a notice was issued to petitioner, the enjoyment on ground, ownership etc., on the writ prayer, has stated thus:

“In reply to para -13 and 16 of the affidavit, it is submitted that no action has been initiated to dispossess the writ petitioner from the land in S.No.30-5 of Rachagumadam Village and the contents mentioned in these paras in the petitioner’s affidavit are only apprehensions of the petitioner and not true and the writ petition is unwanted and deserves to be dismissed.”

From the above, it is clear that the 1st and 2nd respondents are not disturbing the possession of petitioner. The statement of 2nd respondent is placed on record.

The writ petition is disposed of accordingly. There shall no order as to costs.

Consequently, pending miscellaneous petitions, if any, stand closed.

03rd August, 2017

Lrkm



S.V.BHATT, J