

THE HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION NO. 19485 of 2017

ORDER :

Heard both sides. With the consent of both parties the 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 respondent Nos.3 and 4 in trying to dispossess the petitioner from the land admeasuring Acs.10.26 cents situated in Survey No.195-2A of Gokavaram Village, Prathipadu Mandal, East Godavari District, at the instance of respondent No.5, as illegal and arbitrary.

3. The averments in the affidavit are as under:

The petitioner along with others filed an application before the Joint Collector-cum-Settlement Officer, East Godavari District, Kakinada, seeking to declare them as Inamdars under Inams Abolition Act. Accordingly favorable orders were passed and ryotwari pattas were issued in their favour vide proceedings dated 21.04.2015. Thereafter, pattadar passbooks and title deeds were issued and the names of the petitioner and others were also mutated in revenue records. It is stated that some of their opponents, influenced the revenue officials and accordingly proceedings were issued against the petitioner and others which lead to filing of W.P.No.8958 of 2016 and W.P.M.P.No.11357 of 2016, before this Court. This Court, vide interim order dated 16.03.2016 in W.P.M.P.No.11357 of 2016, suspended the said proceedings. It is the case of the petitioner that

inspite of the said proceedings dated 16.03.2016, the respondent police, at the instance of some of their opponents, are trying to dispossess the petitioner and his family members from their properties, without following due process of law. Hence the present writ petition came to be filed.

4. Though various grounds are raised, learned counsel for the petitioner mainly submits that the respondents may be directed not to interfere with the properties of the petitioner, except in accordance with law.

5. Learned Government Pleader does not dispute the same. However, submits that any action taken against the petitioner and others would only be in accordance with law.

6. Without going into merits of the case and having regard to the submissions made, the Writ Petition is disposed of directing the respondent police not to interfere with the peaceful possession and enjoyment of the petitioner over the property in dispute without following due process of law. If the respondent police intend to take any action against the parties, the same shall be in accordance with law. No costs.

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

JUSTICE C. PRAVEEN KUMAR

15.06.2017
vhb