

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WV.MP.No.4097 of 2017

in/and

WP.No.28724 of 2017

COMMON ORDER:

Heard counsel for petitioners, the Government Pleader for Revenue(Assignment) appearing for respondents 1 to 3, the Government Pleader for Home appearing for 4th respondent and Sri G.Simhadri, Standing Counsel for 5th respondent.

2. Petitioners contend that they are in occupation of the land admeasuring Acs.4.00 guntas of land in survey No.572(part) of Bairavalanka, Guthendeevi Revenue Village, Gogullanka Grampanchayat, Polavaram Mandal, East Godavari District belonging to the Government. Petitioner's grievance is that under the influence of the 5th respondent, the 3rd respondent is trying to interfere with their possession and enjoyment of the said property.

3. The Government Pleader for Revenue(Assignment) appearing for respondents 1 to 3 states that the respondents' Officials are not interfering with the possession of the petitioners over the subject land and since the 5th respondent and the petitioners are creating law and order problem, a notice has been issued under Section 145 Cr.P.C. to both parties on 29.01.2016 by the Sub Divisional Magistrate.

4. On 28.08.2017 this Court stated that if the petitioners are in possession, they shall not be dispossessed without following due process of law.

5. WV.MP.No.4097 of 2016 is filed by the 5th respondent alleging that as per the online revenue records of Fasli 1425 (2015-16), 5th respondent is in possession of Acs.2.00 guntas and he is the son of Sri Tirukoti Subba Raidu, who is the brother of the 1st petitioner's father and he states that taking advantage of the interim order passed by this Court, petitioners are trying to evict him from the subject land.

6. Having regard to the statement of the Government Pleader that respondents 1 to 3 are not interfering with the possession of the petitioners over the subject land, the Writ Petition is disposed of directing the petitioners to approach the competent Civil Court if they have any dispute with the 5th respondent. Consequently, the interim order granted on 28.08.2017 is vacated. No costs.

7. Miscellaneous petitions pending if any shall stand closed.

M.S.RAMACHANDRA RAO, J

01st November, 2017.
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