

HON'BLE SRI JUSTICE S.V. BHATT

Writ Petition No.23926 of 2017

ORDER:

The petitioners pray for *mandamus* declaring the action of respondents in trying to evict the petitioners from land measuring Ac.0.55 cents in Sy.No.252-3, Khata No.10024 of Iskalapalem Village, Rushikudda Revenue Village, Sompeta Mandal, Srikakulam District, as illegal, arbitrary and unconstitutional.

2. On 20.07.2017, at request of the learned Assistant Government Pleader (Assignment), the writ petition is directed to be listed today to enable her to get instructions in the matter. The Assistant Government Pleader, on instructions, submits that the respondents as a matter of fact, are not interfering or touching the petitioners' land, which is an assignment made in favour of the petitioners. She further submits that notices were in fact issued but the petitioners did not reply to the notices and the authorities, therefore, after following the procedure have tried to take possession from the petitioners.

3. Mr. K. Manik Prabhu, contends that the service of notice and affording opportunity to petitioners are verifiable circumstance from documents and in the absence of proof of service of notice or communication, order of eviction and interference, amounts to illegal, unauthorised interference with the petitioners' possession and enjoyment.

4. I have perused the writ averments and the annexures filed by petitioners and take note of the submission of the Assistant Government Pleader and also annexures on which she is relying upon. This court is of

the view that controversy is in a very narrow sphere and once possession of the petitioners is reflected in revenue records, the respondents have to put the petitioners on notice and follow the procedure and thereafter take possession of the subject matter of the writ petition. The Assistant Government Pleader has given the copies of notices said to have been served on the petitioners.

5. Having regard to the above circumstances, the writ petition is disposed of by granting three weeks time from today to petitioners to submit the explanation and the 4th respondent is directed to consider the explanation, pass orders, within a further period of three weeks, in accordance with law. The parties are directed to maintain *status-quo* as regards to possession and physical features, for a period of six weeks from today.

6. The writ petition is, accordingly, disposed of. No order as to costs. Pending miscellaneous petitions if any in this writ petition shall stand dismissed in consequence.

Date: 24.07.2017
BSS

S.V.BHATT, J

HON'BLE SRI JUSTICE S.V. BHATT

10

Writ Petition No.23926 of 2017



Date: 24.07.2017

BSS