

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION NO.2980 OF 2006

ORDER:

This writ petition is filed seeking to declare the action of the respondents in evicting and occupying the land of the petitioners in an extent of Ac.2-17 cents in Sy.No.18/4, situated in Madhurawada village, Visakhapatnam Rural Mandal, without following due process of law as illegal, arbitrary and violative of Article 300-A of the Constitution of India and consequently direct the respondents not to interfere with the petitioners' peaceful possession and enjoyment of the said land.

2. The case of the petitioners is that they are landless poor persons and the Government has granted patta in their favour to an extent of Ac.2-17 cents in Sy.No.18/4 of Madhurawada village, Visakhapatnam Rural Mandal in the year 1970. Since then, they have been cultivating the land and the respondents also issued pattedar pass books. Thereafter, during the year 1988, the Mandal Revenue Officer proposed to resume the land on the ground that it was not under personal cultivation. Aggrieved thereby, the petitioners filed W.P.No.5494 of 1989 and this Court disposed of the same by an order dated 2.08.1999 with a direction to the respondents not to dispossess the petitioners from the said land, except in accordance with law. Once again for the second time, on 26-2-2005, the Mandal Revenue Officer has taken steps for eviction of the petitioners on

the ground that the assignee has sold away the land and subsequently small sheds were erected in the said land, violating the conditions of assignment. The petitioners represented the matter before the authorities stating that they have been personally cultivating the land and residing in the said land and that they have been issued Election Voter Identity Cards to the said address. Again for the third time, when the respondents took steps for demolition of the houses of the petitioners on 4-02-2006, the petitioners approached this Court by filing the present writ petition.

3. Heard.

4. This Court by order dated 23-02-2006 in W.P.M.P.No.3670 of 2006 granted interim stay, directing the respondents not to evict the petitioners from the said land, pending disposal of the present writ petition.

5. The learned Government Pleader has opposed the case of the petitioners and submitted that in the event of any orders that may be passed in favour of the petitioners, they may occupy the land and raise structures under the guise of the orders of this Court.

6. It is brought to the notice of this Court by the learned Government Pleader for Revenue that a notice has been issued

to the petitioners, to which, a representation has been filed by the petitioners and the same is pending with the respondents.

7. In view of the same, the respondents are directed to consider and dispose of the representation of the petitioners, in accordance with law, as soon as possible. Till such time, the respondents are directed not to dispossess the petitioners from the subject land without following due process of law. During the pendency of said representation, the petitioners are directed not to violate the terms and conditions of the patta granted to them.

8. With the above observations, the writ petition is allowed to the extent indicated above. No order as to costs. As a sequel, the miscellaneous petitions pending if any shall stand closed.

Date: 07-12-2017.
Shr.

T.AMARNATH GOUD, J

