

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.32642 of 2015

ORDER:

Heard Mr.N.Aswartha Narayana for petitioner and learned Assistant Government Pleader for respondents.

2. The petitioner prays for the following relief:

“.....to issue a writ of mandamus or any other appropriate writ order or direction declaring the action of the 4th respondent in trying to dispossess the petitioner from the land in Sy.No.359/3 to an extent of Ac.5.00 cents of Yarraguntla Village, Kanekal Mandal, Anantapur District and also trying to issue D form patta in favour of some third parties to an extent of Ac.2.50 cents in Sy.No.359/3 of Yarraguntla Village, Kanekal Mandal, Anantapur District as illegal and arbitrary and consequently direct the respondents 2 to 4 not to dispossess the petitioner from lands in question”

3. The Assistant Government Pleader places on record written instructions, dated 23.06.2017, and the instructions read thus:

- “1. As per DA RDis No:213/84 the land in Sy.No: 359-3 measuring an extent 5.00 acres of Yerragunta Village was assigned to Late Harijana Gangappa who is the husband of the petitioner Smt.Vannuramma.
2. Sri Hanumanthappa S/o.Late Chinna Obulesh and Sri Obulappa S/o.Late Chinna Obulesh of Yerragunta Village have cultivated the land in S.No:359-3 measuring an extent of 5.00 acres of Yerragunta Village Kanekal Mandal.
3. The petitioner Smt.Vannuramma W/o.Late Harijana Gangappa is cultivating the land in Sy.No.359-4 for an

extent of 2.50 acres out of 5.00 acres instead of Sy.No:359-3.”

4. Having regard to above instructions, learned counsel for petitioner contends that petitioner is in possession of the land assigned to her husband, however, if there is variation between the assignment and enjoyment either by petitioner or neighbouring land owners, respondent No.4 has to issue notice and fix the respective allotments. The Assistant Government Pleader does not oppose the alternate submission of petitioner.

5. Accordingly, the writ petition is disposed of by this order.

Respondent No.4 is given liberty to issue notice to the enjoyers of the land in Sy.Nos.359-3 and 359-4 and verify the document on which they are relying upon, identify the respective extents and pass orders on the possession and enjoyment as is warranted subject to outcome of such survey.

6. Miscellaneous petitions, if any, pending, shall stand closed. No order as to costs.

S. V. BHATT, J

27th June 2017

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