

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 15984 of 2005

ORDER:

1) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondents in interfering with the peaceful possession of the petitioner over the land admeasuring Ac.1.00 cents in Sy.No.164/ 5 of Chinamushidivada Village, Pendurthi Revenue Mandal, Visakhapatnam District, as illegal, arbitrary and contrary to the principles of natural justice; and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioner over the said land.

2) The averments in the affidavit filed in support of the writ petition would show that the petitioner is absolute owner and possessor of the land mentioned above, having purchased the same from its lawful owner vide document No.5367 of 1981, dated 20.07.1981. It is stated that since the date of purchase, the petitioner is in possession and enjoyment of the same by paying the land revenue and his name was also entered in the revenue records. It is also stated that the petitioner established a partnership firm in the name and style "Bhanu Constructions" and constructed a stone crusher unit in the said land after obtaining necessary permission from the concerned authorities. While things stood thus, the officials of respondent Nos.1 and 2 are trying to survey the land and in spite of his protests, the

authorities proclaimed that they have got instructions from respondent No.1 to dispossess the petitioner from the said land. Challenging the said action, the present writ petition came to be filed.

3) Though various grounds are raised in the writ petition, the learned counsel for the petitioner restricts his prayer seeking a direction to the respondents not to dispossess the petitioner from the said land, without following due process of law.

4) The learned Government Pleader for Revenue would submit that the request of the petitioner can be considered, provided he is in possession of the land.

5) Having regard to the circumstances stated above, the writ petition is disposed of, directing the respondents not to dispossess the petitioner from the subject land, without following the due process of law, if he is in possession of the same.

6) Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

10.08.2017
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