

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION NO.2981 OF 2006

ORDER:

This writ petition is filed, seeking to declare the action of the respondents in evicting and occupying the land of the petitioner in an extent of Ac.1-37 cents in Sy.No.18/2, 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 petitioner's peaceful possession and enjoyment of the said land.

2. The case of the petitioner is that he is a landless poor person and the Government has granted patta in his favour to an extent of Ac.1-37 cents in Sy.No.18/2 of Madhurawada village, Visakhapatnam Rural Mandal in the year 1970. Since then, he has been cultivating the lands 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 petitioner filed W.P.No.5494 of 1989 and the same has been disposed of by an order dated 2.08.1999 with a direction to the respondents not to dispossess the petitioner 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 petitioner 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 petitioner represented the matter before the authorities stating that he has been personally cultivating the land and residing in the said land and Election Voter Identity Card was also issued by the Election Commission to the said address. Again for the third time, when the respondents took steps for demolition of the house of the petitioner on 4-02-2006, he approached this Court by filing the present writ petition.

3. Heard.

4. This Court by order dated 3-02-2006 in W.P.M.P.No.3671 of 2006 granted interim stay, directing the respondents not to evict the petitioner from the said land, pending disposal of the present writ petition.

5. The learned Government Pleader has opposed the case of the petitioner and submitted that in the event of any orders that may be passed in favour of the petitioner, he 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 petitioner, to which, a representation has been filed by the petitioner 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 petitioner, in accordance with law, as soon as possible. Till such time, the respondents are directed not to dispossess the petitioner from the subject land without following due process of law. During the pendency of said representation, the petitioner is directed not to violate the terms and conditions of the patta granted to him.

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

