

HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.13546 OF 2016

ORDER:

Heard Mr.P.Gangarami Reddy for petitioners and the learned Assistant Government Pleader (Assignment) for respondents.

The petitioners rely upon proceedings of Sub-Collector, Nandyal in Rc.No.13952/73 dated 19.10.1973 and claim that the predecessor-in-interest of petitioners was granted assignment. The assignee enjoyed the property during his life time and thereafter, the petitioners are in possession and enjoyment of the subject matter of the writ petition. Now, the grievance of petitioners is that the respondents, without recourse to law, are interfering with their possession and enjoyment. Hence, the writ petition.

On 21.04.2016, this Court restrained respondents from dispossessing the petitioners from subject matter of writ petition. The 4th respondent filed counter affidavit and also a petition to vacate the interim order. The important circumstance for consideration is the existence or otherwise of the grant in favour of one Vadde Subbanna. The 3rd respondent is not disputing the grant through proceedings dated 19.10.1973, but contends that the life of the proceeding is for one year and with the completion of one year, the possession in favour of petitioners cannot be assumed. On the other hand, Mr.Gangarami Reddy relies upon one of the sentences in the proceedings dated 19.10.1973 to contend that permission to cultivate the subject matter was granted

till permanent assignment was granted to Vadde Subbanna. This Court is of the view that these conditions need not be construed or opinion expressed at this stage of the matter. The respondents are not disputing the actual and physical possession of petitioners of subject matter of writ petition.

Having regard to the settled possession and accepting the existence of proceedings dated 19.10.1973, I am satisfied that the writ petition can be disposed of by directing the respondents not to interfere with the petitioners' possession and enjoyment of Sy.No.42 of S.Kothuru Village, except in accordance with law.

The writ petition is, accordingly, disposed of. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any pending, stand closed.

21st July, 2017

Lrkm

S.V.BHATT,J