

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.14096 OF 2005

ORDER:

The present Writ Petition, under Article 226 of the Constitution of India, came to be filed with the following prayer:

“..to issue a Writ of Mandamus or any other appropriate Writ, order or direction declaring the impugned action of the Respondents in not considering the petitioner's representation dated 22.03.2005 and in harassing him and threatening him of eviction even after giving the possession certificate without following due process of law is illegal, arbitrary and violative of principles of natural justice etc., and consequently direct Respondents not to interfere with the peaceful possession of his land covered in Certificate Ref.No.B/400/04 dated 19.08.2004 by the petitioner.”

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

3. A perusal of the record would show that by an order dated 04.07.2005, this Court while issuing *rule nisi*, granted interim direction directing the respondents not to interfere with the peaceful possession of the petitioner over the land in question and the said order is still in force.

4. As seen from the record, petitioner, who is physically handicapped person, claims to be in possession of Ac.0.01 ½ cents equivalent to 72 square yards of land situated at Pedda Brahmadevam Village. The Mandal Revenue Officer – respondent No.2 also issued a certificate confirming the possession of landed

property of the petitioner and since last twelve (12) years, petitioner claims to be in possession of the said land. It is averred that MRO-R.2 and his staff are frequently visiting his site at the instance of local politicians, and threatening him to cancel the patta granted in his favour and evict him from the land. Petitioner made a representation, dated 22.03.2005 to the 1st respondent seeking indulgence and to instruct all the concerned not to interfere with his possession and enjoyment over the land, but there was no response.

5. Having regard to the circumstances stated above, and having regard to the physical condition of the petitioner, the Writ Petition is disposed of directing the 1st respondent to consider the representation, dated 22.03.2005, made by the petitioner seeking a direction to the concerned authority not to interfere with the land in dispute, provided the petitioner is in possession of the land in dispute and if the interference by the 2nd respondent – MRO is still continues. Further, if the respondents intend to take any action against the petitioner for dispossession etc., the same shall only be in accordance with the procedure established by law.

Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

Date:03.08.2017
INL