

HON'BLE SRI JUSTICE S.V. BHATT

W.P. No.12190 OF 2005

ORDER:

Heard Mr.B.Venkat Rama Rao for petitioners and the learned Assistant Government Pleader (Revenue) for respondents.

The petitioners pray for Mandamus declaring the action of respondents in evicting or otherwise disturbing the petitioners' possession or occupation of an extent of Ac.3-30gts. in Survey No.150 (more particularly identified and described as Survey No.150/E) with the following boundaries:

North: Part of Sy.No.150

South: Part of Sy.No.150

East: Part of Sy.No.150 in occupation of Sudershan Rao

West: Part of Sy.No.150

as illegal, arbitrary and unconstitutional.

The case of petitioners is that on 29.08.1960, the Tahsildar of Medchal Taluk, Hyderabad District in File No.A3/6033/1960 assigned land to Bandla Mysaiah and Bandla Sattaiah in an extent of Ac.1-30gts. each. The assignees Bandla Mysaiah and Bandla Sattaiah died and the petitioners being the legal representatives were included in record as successors-in-interest of assignees. The petitioners claim to be in possession of subject matter of the writ petition and in evidence have placed a few annexures. The cause of action for filing the writ petition is that the respondents without recourse to law are trying to disturb the possession and enjoyment of petitioners of petition land and further trying to assign the land in

possession and enjoyment of petitioners to third parties. Hence the writ petition.

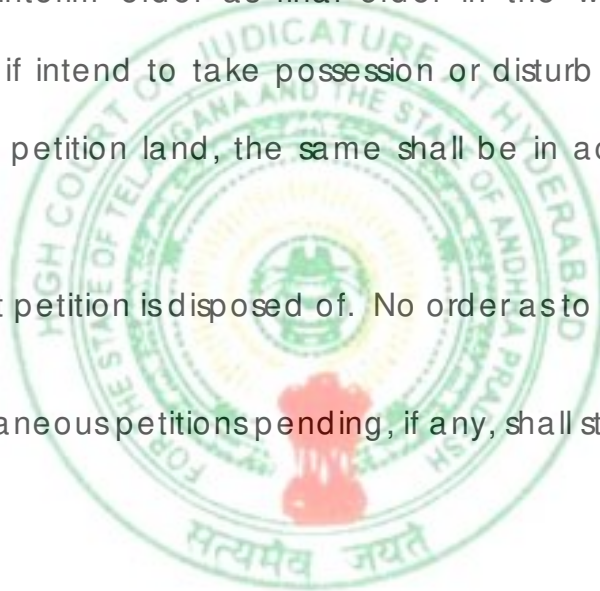
On 09.06.2005, this Court granted interim stay of dispossession of petitioners from petition land and the interim order is subsisting as on date.

The respondents have neither filed counter affidavit nor a petition to vacate the interim order.

This Court is of the view that instead of waiting for the counter affidavit of respondents, the writ petition can be disposed of by making the interim order as final order in the writ petition. The respondents, if intend to take possession or disturb the right of the petitioners of petition land, the same shall be in accordance with law.

The writ petition is disposed of. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.



S.V.BHATT, J

Date: 04.10.2017
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