

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

W.P.Nos.17108 of 2007

ORDER

This writ petition is filed with the following prayer:

“to issue an order or direction more in the nature of writ of mandamus declaring the action of the respondents in contemplating to evict the petitioners from the lands which are in their actual possession and enjoyment as Archakas as well as cultivating tenants, without giving any notice or the disposal of the representation made by the petitioners dated 09.07.2007 pending before the 3rd respondent, as highly illegal, arbitrary, contrary to law and unconstitutional, apart from being in violation of the principles of natural justice and also violative of Articles 14,21 and 300-A of the Constitution of India, and consequently direct the respondents not to evict the petitioners from the lands in Sy.No.166/1, over an extent Ac.9.32 cents, Sy.No.166/3 over an extent of Ac.2.45 cents, Sy.No.168/1 over an extent of Ac.0.37 cents, Sy.No.168/3 over an extent of Ac.2.05 cents, Sy.No.53/1 over an extent of Ac.4.20 cents, Sy.No.53/3 over an extent of Ac.4.23 cents, Sy.No.171 over an extent of Ac.7.52 cents, Sy.No.260 over an extent of Ac.15.51 cents, Sy.No.169/1 over an extent of Ac.19.02 cents, Sy.No.169/3 over an extent of Ac.1.15 cents, except by due process of law”.

2. This Court, by order dated 10.08.2007, directed the parties to maintain *status quo* as to the nature and possession of the lands in question.

3. The case of petitioners is that they are cultivating the lands belonging to the Temples of Basthipadu Village, Kurnool Mandal, Kurnool District, through their ancestors for the past 200 years and utilizing the income derived from the lands to perform puja and other daily rituals and they are also paying maktha regularly for the said lands. While so, the third respondent is trying to evict the petitioners from the lands without following due process of law. They filed a

representation to the 3rd respondent on 09.07.2007 requesting not to evict them from the said lands, but no action has been taken thereon.

4. Heard learned counsel for petitioners and learned Government Pleader for respondents.

5. In view of the limited grievance of petitioners for disposal of their representation, I deem it appropriate to direct the third respondent to dispose of the representation dated 09.07.2007 filed by petitioners, in accordance with law, within three months from the date of receipt of a copy of this order, till such time, the petitioners shall not be evicted from the lands in question without following due process of law.

6. With the above direction, the Writ Petition is disposed of. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

12th October, 2017
sj

M.S.K.JAISWAL,J