

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.20299 of 2017

ORDER:

Heard Suresh Kumar Potturi counsel for petitioners and the learned Assistant Government Pleader (Revenue) for respondents 1 to 3.

The Assistant Government Pleader, placed on record, written instructions dated 20-06-2017.

The instructions are taken on file.

The petitioners pray for the following relief :-

“ to issue Writ or direction more particularly in the nature of Writ of Mandamus declaring the action of the Respondents in interfering with and disturbing the peaceful possession and enjoyment of the lands of the Petitioners situated in Sy.Nos.3-1A2, 3-1A3, 3-1A4, 3-1A5, 3-1A6, in Kurukalva village, Renigunta Mandal, Chittoor District, to an extent of Ac. 0.70 cents each of the Petitioners as illegal, arbitrary and violation of Article 14 and 21 of the Constitution of India and consequently direct the Respondents not to interfere with the peaceful possession and enjoyment of the lands of the Petitioners situated in Sy.Nos.3-1A2, 3-1A3, 3-1A4, 3-1A5, 3-1A6, in Kurukalva village, Renigunta mandal, Chittoor district to an extent of Ac. 0.70 cents each of the petitioners....”

The petitioners complain unauthorized and illegal interference or change of physical features, at the subject matter of writ petition by respondents.

The 2nd respondent in the written instructions dated 20-06-2017 admits the assignment in favour of father of petitioners herein. The

grant of pattadar passbooks upon the demise of assignee is also admitted. The objection, the 2nd respondent perceives in the enjoyment of subject matter of writ petition, is that the petitioners are taking steps or proposing to convert the subject land into a layout and towards executing such conversion plan, a few steps are taken creating third party interest and these are impermissible as per conditions of assignment. In other words, the 2nd respondent also admits that the convenient enjoyment of petitioners of subject matter of the writ petition as agricultural land is not objected to. But, if assigned land is converted, the respondents are entitled to take action as is warranted.

By taking note of the instructions and with consent, the writ petition is disposed of by this order.

The respondents are directed not to interfere with the possession and enjoyment of petitioners as long as the subject matter of writ petition is used as agricultural land. In other words, if the assigned land is used for other purposes, the 2nd respondent can take action as is permissible in law.

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

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Dt: 22-06-2017
Prv

