

HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.4158 OF 2015

ORDER:

The petitioners pray for the following relief:

“...this Hon'ble Court may be pleased to issue an appropriate writ, order or direction, more in the nature of Writ of Mandamus, declaring the action of the 3rd respondent in interfering with the peaceful possession and enjoyment of the petitioners over the land in Plot Nos. 18 and 8 situated in Sy.No.629 of Kondapuram Village & Mandal, Nellore District, as being illegal, arbitrary and is in violation of principles of natural justice and fair play apart from being in violation of Articles 14 and 21 of the Constitution of India, and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the same by the petitioners without following the due process of law and to pass such.....”.

The petitioners rely upon assignment granted in the year 1999. According to petitioners, the assignment is subsisting as on date, and interfering with their possession or enjoyment is illegal and unconstitutional.

On 24.02.2015, time was granted to respondents to file reply. As on date, neither instructions are sent nor is reply filed by respondents 2 and 3.

The writ prayer is to follow the procedure stipulated by law before interfering with possession or right of petitioners. The prayer of petitioners is in line with rule of law and this Court is of the view that 2nd and 3rd respondents, if find sufficient circumstances to initiate action against the assignment in favour of petitioners, issue notice, afford opportunity, pass orders and thereafter interfere with their possession or enjoyment.

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

Consequently, pending miscellaneous petitions, if any, also stand disposed of.

S.V.BHATT, J

12th June, 2017

Lrkm

