

HON'BLE SRI JUSTICE S.V. BHATT

W.P. No.12040 OF 2016

ORDER:

The petitioners pray for the following relief:

“...Writ of Mandamus declaring the action of the 3rd respondent in interfering with petitioners' possession and enjoyment of their respective plots of lands Admeasuring Ac. 1.77 cents in survey No. 112/3C in Somaladoddi Village, Ananthapur Rural Mandal, Ananthapur District, without issuing any notice as arbitrary illegal violation of principles of natural justice...”

The petitioners submit that land consisting of small plots does not belong to Government or assuming that the land is held by Government or assigned land, interference with the petitioners' possession and enjoyment without recourse to law is illegal, arbitrary and unconstitutional.

On 12.04.2016, this Court has granted interim direction restraining the respondents from interfering with the petitioners' possession of subject plots.

The respondents filed WVMP No.2470 of 2016, and in the counter affidavit filed by respondent No.3, it is stated that Survey No.112/3C is assigned land and alienations, if any, violate the conditions of grant and contrary to the A.P. Assigned Lands (POT) Act, 1977.

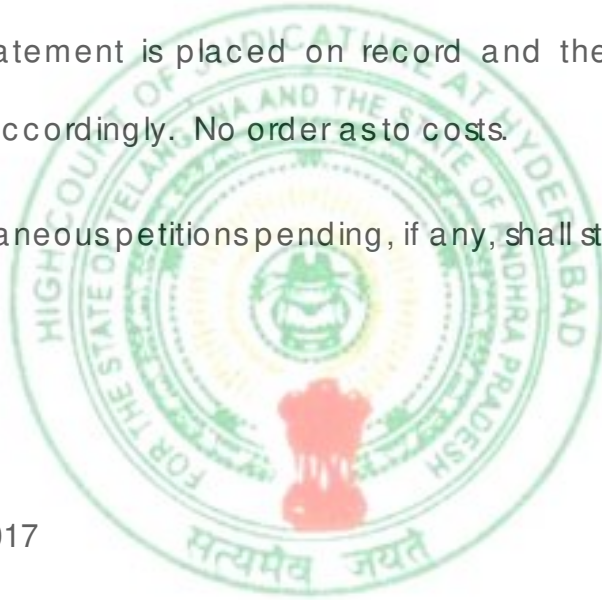
The learned senior counsel by referring to the stand of 3rd respondent in the counter affidavit, rightly contends that assuming

without admitting that the subject matter of writ petition is assigned land, still the respondents are under obligation to follow the procedure stipulated under the A.P. Assigned Lands (POT) Act, 1977 and then interfere with the possession and enjoyment of the petitioners.

The Assistant Government Pleader (Revenue) submits that the 3rd respondent will initiate action in accordance with law and after orders are passed, if circumstances warrant, the respondents interfere with the possession and enjoyment of the petitioners.

The statement is placed on record and the writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.



S.V.BHATT, J

Date: 21.07.2017

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