

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.22899 of 2009

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking to declare the action of the respondents in trying to interfere into the peaceful possession and agricultural operations over the land admeasuring Ac.1.00 guntas in Sy.No.400//48 of Pramalla village, Lingampet Mandal, Nizamabad District, of the petitioner, as illegal and arbitrary.

Heard and perused the material available on record.

The case of the petitioner is that her husband purchased the subject property in the year 1970 and since then, they are in peaceful enjoyment of the same. Her husband's name was also mutated in the revenue records and they are eking their livelihood by cultivating the said land without there being any interruption from any quarter. The husband of the petitioner died long back and thereafter, the petitioner became the owner of the said property. While so, the respondents 2 and 3, at the instance of the 4th respondent, are trying to interfere with the possession and enjoyment of the petitioner over the said property by demanding her to hand over the said land to the Panchayat, and trying to dispossess her from the said property, without issuing any notice and without following due process of law. Hence, the present writ petition.

The 2nd respondent – Tahsildar, Lingampet Mandal, Nizamabad District, filed counter stating that they never intended to interfere with the peaceful possession of the petitioner over the subject property. The relevant paragraph i.e. paragraph No.2 of the counter affidavit reads as under:

“2. In reply to Para 4 of the affidavit, it is submitted that the subject land in Sy.No.400/ 48 is Govt. land situated in the Shivar of Parmalla (v) of Lingampet mandal. The land was assigned in the year 1974-75 to the Petitioner’s husband Sri Mamidi Parvaiah, S/o.Balaiah, R/o.Parmalla (v) in Sy.No.400/ 48, Ext.1-00 and the same was implemented in the Revenue records in the year 1975, since then the assignee is in the possession of the land. The land is also implemented in the R.O.R. Act. In the year 1978, Form.I-B vide Khata No.141 and issued Pattedar pass books and Title deed to the petitioner’s husband Sri. Mamidi Parvaiah, S/o.Balaiah, R/o.Parmalla (v) who was expired long back. It is came o know that, the land is coming under Ababdi at present the Village Development authorities are trying to grab the land. The respondent 2 herein never issued any notice to the Petitioner father. As per Revenue Records i.e., Pahani (I.B) of R.O.R. records, the name of the petitioner husband appearing in the revenue records, the respondents No.1 and 2 have not issued notice nor tried to take under Govt. custody and not interfere in to peaceful possession of the petitioners Agricultural operations over the land admeasuring 1-00 under Sy.No.400/ 48 of Parmalla (v) of Lingampet mandal.”

Heard and perused the material available on record.

This Court, after perusing the record and also after hearing the arguments, is of the view that nothing survives for adjudication in this writ petition in view of the stand taken by the 2nd respondent in his counter.

Accordingly, the writ petition is disposed of. No order as to costs. Miscellaneous Petitions, pending if any, shall stand closed.

RAJA ELANGO, J

September 08, 2017

KTL

