

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.20829 of 2017

ORDER:

Heard Ms.G.P.Vindhya for petitioners and the learned Assistant Government Pleader for Revenue.

The Assistant Government Pleader made her submissions basing on the written instructions dated 27-06-2017.

The petitioners are assignees of small plots in Sy.No.140 of Mopada Village, Denkada Mandal, Vizianagaram District. The petitioners claim to be in possession and enjoyment of respective plots allotted to them. The details of plots allotted to each one of the petitioners read as follows :-

1 st petitioner	Plot No.92
2 nd petitioner	Plot No.74
3 rd petitioner	Plot No.64
4 th petitioner	Plot No.124
5 th petitioner	Plot No.114
6 th petitioner	Plot No.129
7 th petitioner	Plot No.115
8 th petitioner	Plot No.125
9 th petitioner	Plot No.134
10 th petitioner	Plot No.120
11 th petitioner	Plot No.41
12 th petitioner	Plot No.113
13 th petitioner	Plot No.123

14 th petitioner	Plot No.90
15 th petitioner	Plot No.43
16 th petitioner	Plot No.119
17 th petitioner	Plot No.117
18 th petitioner	Plot No.136
19 th petitioner	Plot No.50
20 th petitioner	Plot No.116
21 st petitioner	Plot No.121
22 nd petitioner	Plot No.126
23 rd petitioner	Plot No.68
24 th petitioner	Plot No.122
25 th petitioner	Plot No.127
26 th petitioner	Plot No.135
27 th petitioner	Plot No.19
28 th petitioner	Plot No.74
29 th petitioner	Plot No.128
30 th petitioner	Plot No.89

Now the petitioners complaining interference with their possession and enjoyment have filed the instant writ petition.

I have gone through the written instructions dated 27-06-2017.

The 4th respondent does not dispute the inspection of subject land by his subordinates. The explanation offered is to find out the vacant plots, survey the vacant plots and submit a report, the subordinates of 4th respondent have gone to the

subject matter of writ petition. From the instructions, it is clear that now ground is prepared for taking further steps in this behalf either to cancel or allot the land already assigned to petitioners to third parties. Therefore, the apprehension of petitioners *prima facie* appears to be tenable.

The petitioners are beneficiaries of the order of assignment by the Government. The monotonous consideration, recalling the assignment or allotting the same plot to another person, does not achieve the purpose for which the assignment of small plots was made by the 2nd respondent. As in the neighbourhood a few houses have already come, the petitioners ought to be encouraged to construct houses in the plots assigned to them. The assignment in favour of petitioners is not disputed and therefore, the interference, as apprehended, is impermissible in law.

The writ petition is disposed of directing the respondents not to interfere with the possession and enjoyment of petitioners plots referred to above except for justifiable reasons and grounds. No order as to costs.

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

S. V. BHATT, J

Dt: 28-06-2017

Prv

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