

HON'BLE SRI JUSTICE S. V. BHATT

Writ Petition No.23457 of 2017

ORDER:

Heard Mr. Y. Subrahmanyam for petitioners and the learned Assistant Government Pleader (Revenue) for respondents. The petitioners pray for the following relief:

“...writ of *mandamus* by declaring the action of the 3rd respondent/Tahsildar in orally directing the petitioners to vacate their respective house properties and deliver vacant possession along with the pattas to the government and made marking on the properties of the petitioners in Door Nos.12-53, 12-12, 12-35, 12-54, 12-14, 12-2, 12-31, 12-11; 12-33/1, 12-16, 12-50, 1-101, 12-7/1, 12-10, 12-24, 12-44/1, 12-36, 12-49, 12-13, 12-13/1 and 12-40 covered by PS No.221 & 222 of Irahimpatnam Village & Mandal, Krishna District, as arbitrary, illegal and offending Article 14, 21 and 300-A of the Constitution of India.”

2. At request of the respondents, the writ petition has been directed to be taken up today 'for admission'. The Assistant Government Pleader on instructions submits that the complaint against 3rd respondent is that the 3rd respondent orally directed the petitioners to vacate from their respective house properties, is incorrect and denied. It is further stated that the respondents are not interfering with the possession and enjoyment of the subject matter of the writ petition. The statement is placed on record.

3. Mr. Y. Subrahmanyam contends that the respondents may be directed to file counter-affidavit so that the petitioners will have an occasion to meet the stand of the respondents. As vehement submission is made by the learned counsel for the petitioner, the same is referred in this order merely to be rejected. It is for the petitioners to make out

prima facie case either for admission or for granting interim order. In the case on hand, the prayer refers to oral instructions. Writ petition challenging oral instructions of 3rd respondent is not maintainable.

4. By placing the stand of the respondents on record, the writ petition is disposed of. No order as to costs. Pending miscellaneous petitions if any in this writ petition shall stand dismissed in consequence.

S.V.BHATT, J

Date: 18.07.2017
BSS



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