

HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.4625 of 2013

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Assignment appearing for the respondents.

2. This Writ Petition is filed by the petitioner to declare action of the respondents in interfering with her possession in respect of Ac.5.12 cts in Sy. No.312/2of Nariganipalle village, Ramasamudram Mandal, Chittoor District as illegal and not to evict her from the said land.

3. It is not in dispute that the said land was assigned to the petitioner by proceedings T.No.43/4/1399 dt.20-04-1990.

4. In the counter affidavit filed by respondent No.3, it is also admitted that petitioner cultivated the land and planted eucalyptus plants in this entire extent. The 3rd respondent does not state that any proceedings to cancel the assignment of land to the petitioner was taken after giving notice to the petitioner. He further states that cancellation proceedings of the patta granted to the petitioner is not available in his office.

5. When there is no evidence of any cancellation of the assignment patta granted to the petitioner and it is not the case of the respondents that any notice is issued to the petitioner prior to the alleged cancellation of her patta, the petitioner is deemed to be in

possession of the land and the assignment in her favour is deemed to be in force.

6. Though the learned Government pleader for Assignment sought to contend that the land assigned to the petitioner was assigned to some other else in 2009, without canceling the assignment of the petitioner in a manner known to law, it is not open to respondents to assign the same land to somebody else. In fact no material is placed before this Court to prove that there is a cancellation of the patta granted to the petitioner or assignment of the same land to third parties. Therefore, the plea of the respondents that the petitioner is not in possession and enjoyment of the land also cannot be accepted.

7. Therefore, the Writ Petition is allowed and the respondent Nos.1 to 3 are directed not to interfere with the petitioner's possession and enjoyment of the said land assigned to the petitioner vide assignment patta dt.20-04-1990, except in accordance with law. No costs.

8. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 17-04-2017

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