

HON'BLE SRI JUSTICE S. V. BHATT

W.P.No. 17008 of 2016

ORDER:-

The petitioner, in view of the admitted inspection of the petitioner's land in R.S.No. 35/ 1PT in an extent of Ac.1.42 cents of Vatluru, Pedapadu Mandal, West Godavari District, apprehending dispossession without recourse to law, has filed the instant writ petition for the following relief:

“...to issue a writ of mandamus declaring the action of the respondents in trying to dislodge the petitioner from the assigned land to an extent of Ac.1.42 cents situated in R.S.No. 35/ 1PT, Vatluru, Pedapadu Mandal, West Godavari District which has been in their continuous and uninterrupted possession and enjoyment for the last 45 years, without giving any notice and without following due process of law, as illegal, arbitrary, capricious, contrary to canons of natural justice, Articles 21 and 300-A of the Constitution of India and the provisions of Act 9/ 1977, and consequently, direct the respondents not to meddle with the petitioner's possession and enjoyment of the assigned land to an extent of Ac.1.42 cents situated in R.S.No. 35/ 1PT, Vatluru, Pedapadu Mandal, West Godavari District in any manner, without following due process of law.”

The 4th respondent filed counter affidavit and the operative portion thereof on assignment in favour of the petitioner's father, possession and enjoyment and the intention of the Government to resume the land after following the procedure stipulated by law, reads thus:

“It is submitted that as per the instructions of the District Administration, I have inspected the Government lands available in the village on 22.05.2016 along with V.R.O., Vatluru and Mandal Surveyor, Pedapadu. There are several intuitions

sanctioned by the Government of Andhra Pradesh to the West Godavari District in connection with bifurcation of the State. It is necessary to procure the available land for construction of intuitions. In this connection, I have inspected the land in R.S.No. 35/ 1PT along with other lands in the village and another villages in the Mandal. I submit that since the writ petitioner is in possession and enjoyment of the Government land in pursuance of the patta granted to his father, he is entitled to exgratia in accordance with law in case of taking over the above lands by the Government.

It is submitted that if the Government of Andhra Pradesh intends to acquire the lands of the petitioner, we will follow the due process of law and the writ petitioner, on a mere apprehension, approached this Hon'ble Court."

From the above, it is clear that the respondents, if intend to interfere with the petitioner's possession or cancel the assignment in favour of the petitioner's father, are agreeing to follow the procedure stipulated by law.

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

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

S.V. BHATT, J

25.07.2017

bcj