

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION Nos. 1713 & 6007 of 2009

COMMON ORDER:

Heard Sri K.Narsi Reddy representing Sri Pankaj Reddy, learned counsel for the petitioners and learned Government Pleader for Revenue and learned Government Pleader for Irrigation and Common Area Development.

Since the issue involved in both the Writ Petitions is one and the same, they are disposed of by this common order.

These Writ Petitions came to be filed seeking to declare the high handed action of the respondents in dispossessing the petitioners from the possession of the agricultural lands situated at Geesukonda Village and Mandal, Warangal District, as illegal and arbitrary.

The averments in the affidavit filed in support of the writ petitions would show that the petitioners are absolute owners and possessors of some of the agricultural lands situated in Geesukonda Village and Mandal, Warangal District. They are small farmers and are eking out their livelihood by cultivating the lands in dispute. While things stood thus, the first and second respondents, at the instance of some unscrupulous elements, seriously made efforts to dispossess the petitioners along with other pattadars from their agricultural lands for the

purpose of constructing a reservoir, to provide a lift irrigation scheme. Accordingly, the second respondent issued a notification in e-procurement tender notice dated 08.08.2008. The action of the respondents in trying to dispossess the petitioners from the lands in question lead to filing of these writ petitions.

By orders dated 11.02.2009 and 23.07.2009 this Court while issuing *rule nisi* in both the writ petitions respectively, granted interim stay as prayed for. It is stated that pursuant thereto, the petitioners continued to be in possession of the lands in dispute.

A counter, in both the writ petitions, came to be filed disputing the averments made in the affidavit filed in support of the writ petitions. But, however, it has been stated that any action taken by the respondents shall only be in accordance with law.

Since the request of the parties is only to direct the respondent-authorities not to take any action without following due process of law, this Court is of the view that ends of justice would be met, if the writ petitions are disposed of directing the respondent-authorities not to dispossess the petitioners, who claim to be in possession of the lands in dispute, without following due process of law.

Accordingly, the writ petitions are disposed of. No costs.

Consequently, the Miscellaneous Petitions, if any, pending in these Writ Petitions shall also stand closed.

JUSTICE C. PRAVEEN KUMAR

28.02.2017
vnb

