

**HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO**

**WRIT PETITION NO. 15828 OF 2009**

**ORDER:**

Heard learned counsel appearing for petitioner and learned Government Pleader for Revenue for respondents.

2. Petitioner states that she and her family members have been in possession and enjoyment of an extent of Ac. 0.69 cents in S.No. 48/1B of Sambepalli Village, Kadapa District since 1990 and she approached the revenue authorities for grant of DKT patta in her favour and the then revenue authorities also issued pattadar pass book and title deed in favour of her with a condition that the public should use the road. It is submitted that when the husband of the petitioner wanted to set up a rice mill, the revenue authorities objected for the use of the land and the road lying therein. Petitioner states that the road has been in existence for several years and some tamarind trees and other trees were there on either side of the road. In respect of the land covered by the road, when the Mandal Revenue Officer, Sambepalli, was trying to issue pattas, husband of the petitioner filed O.S.No. 7/2000 on the file of Principal Senior Civil Judge, Rayachoty, seeking permanent injunction and the suit was decreed directing the Mandal Revenue Officer, Sambepalli, not to issue house site pattas over the suit land covered by road without following due process of law and the said decree has become final. Thereafter, petitioner herself filed O.S.No. 302 of 2007, on the file of Principal Junior Civil Judge, Rayachoty, against Sarpanch, Sambepalli Village, when he objected to the possession and enjoyment of the property of the petitioner. Thereafter, a notice was issued by the Thasildar, Sambepalli Mandal on 26.6.2009

asking the petitioner to show cause why she should not be evicted and the petitioner was asked to give her explanation within 10 days. Challenging the same, the present Writ Petition was filed.

3. Learned counsel appearing for petitioner submits that the petitioner has already submitted her reply to the said show cause notice on 29.06.2009 but without waiting for the orders she filed the present Writ Petition.

4. The Writ Petition was admitted on 4.8.2009 and this Court granted interim direction not to initiate any action to evict the petitioner from the land in question.

5. However, since the authorities who issued notice had not passed any orders, this court is not inclined to keep the Writ Petition pending and accordingly disposes the Writ Petition with a direction to the second respondent to pass appropriate orders pursuant to the reply dated 29.6.2009 submitted by the petitioner to the show cause notice dated 26.6.2009, in respect of the land to an extent of 0.69 cents, situated in S.No. 48/1B of Sambepalli Village and Mandal, Kadapa District, within a period of three months from the date of receipt of a copy of this order. Till such time, status quo prevailing as on today shall be continued. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

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**A. RAMALINGESWARA RAO, J**

DATE: 03.07.2017

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