

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P. No.22711 OF 2011

ORDER :

Petitioners claim that they are landless poor persons and they are in occupation of the subject lands from the time of their forefathers from 1910. They contend that though D-Form pattas were issued to them in 1971 for the subject lands, the 3rd respondent asked the petitioners to stay only in Acre 0-62 cents and to vacate the remaining land.

2. Petitioners contend that the details of the land in occupation of the petitioners are mentioned in the affidavit filed in support of the Writ Petition, that the families of the petitioners are dependent on the income of the agricultural produce from the subject lands, and that at the instance of local political leaders, the 3rd respondent is trying to interfere with their possession and enjoyment of the subject land without following due process of law. It is contended that the 3rd respondent had no power to cancel the settlement pattas issued in 1926 in favour of petitioners' grand fathers, and only the District Collector has power to cancel such assignment.

3. No counter affidavit has been filed by the respondents in the matter, but the learned Government Pleader for

Revenue appearing for respondents states that if the respondents wish to interfere with the possession and enjoyment of the petitioners of the subject lands, respondents will follow due process of law.

4. In view of the said statement of the Government Pleader for Revenue, the Writ Petition is disposed of directing the respondents not to interfere with the possession and enjoyment of the petitioners over the subject lands without following due process of law. There shall be no order as to costs.

5. Miscellaneous petitions pending if any, shall stand closed.

09th February, 2017
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M.S. RAMACHANDRA RAO, J

