

THE HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.20053 of 2017

ORDER:

Heard both sides. With the consent of both parties the writ petition is disposed of at the admission stage.

2. The present writ petition came to be filed seeking issuance of writ of Mandamus declaring the action of respondents in high handedly trying to dispossess the petitioners from the property admeasuring Acs.5.27 cents in Survey Nos.25/ 2, 22/ 4 admeasuring Ac.0.33 cents and Acs.6/ 05 cents situated in Karapa Village and Mandal, East Godavari District, as illegal and arbitrary.

3. The averments in the writ affidavit would show that there exists a land dispute between the petitioners and the unofficial respondents. It is stated that O.S.No.295 of 2009 is filed by the third petitioner seeking declaration of title over the subject property and the said suit was dismissed. Aggrieved thereby, the third petitioner herein filed A.S.No.321 of 2013, which is pending before the concerned Court. Further, it is stated that one Chundru Srinivas Chowdary, who sold the subject property to respondent Nos.4 and 6, started interfering with the possession of the petitioners, who are the lessees of the subject property since more than twenty years. Aggrieved by the same, the petitioners filed O.S.No.831 of 2009, wherein the competent Court passed an interim order in I.A.No.1472 of 2009 in O.S.No.831 of 2009, restraining the respondents therein from interfering with peaceful possession of the subject property herein. It is stated that O.S.No.831 of 2009 was dismissed for non-prosecution and

subsequently an application was filed seeking restoration of the suit and the same is now pending. It is the case of the petitioners that taking advantage of dismissal of O.S.No.831 of 2009, at the instance of the unofficial respondents, respondent Nos.2 and 3 are trying to interfere with the property in dispute and trying to dispossess petitioners from the said property, without following due process of law. Hence, the present writ petition came to be filed.

4. Though no counter affidavit is filed, learned Government Pleader, on instructions denies the averments made in the writ affidavit.

5. Having regard to the above circumstances, the writ petition is disposed of directing respondent Nos.2 and 3 not to interfere with the civil disputes, except in accordance with law. Further, if the respondents intend to take any action against the parties, the same shall be in accordance with the procedure of law.

As a sequel thereto, Miscellaneous Petitions, if any, pending in this Writ Petition, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

20.06.2017

vhb