

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.41457 OF 2015

ORDER:

Heard Sri M.Ram Mohan for petitioners and Assistant Government Pleader for Revenue.

The petitioners rely upon assignment dated 21.02.1968 of an extent of Ac.9.00 cents in Sy.No.31/1A2 of Kakinada Taluq in favour of late Lakshmana Rao, father of petitioners. According to petitioners, the assignment is subsisting as on date and the respondents without recourse to law are physically interfering with the possession and trying to dispossess the petitioners. On 22.12.2015, this Court passed the following order:

“Sri A.Pandu Ranga Reddy, learned Standing Counsel takes notice for R6, learned Government Pleader for R & B takes notice for respondents 5 and 7 and the learned Government Pleader for Revenue takes notice for respondents 1 to 4.

Apprehending that the petitioners are likely to be dispossessed of their house property for the purpose of road widening taken up by the 6th respondent, the present writ petition is filed primarily on the ground that no proceedings for acquisition is taken up.

Learned Standing Counsel for the 6th respondent seeks time to get instructions.

Post after Pongal Vacation, 2016.

Pending further orders, the petitioners shall not be dispossessed of their respective house properties as prayed for in the writ petition without giving them any notice and opportunity to file explanation.

Meanwhile, counters if any.”

The respondents have neither filed counter affidavit nor sought for vacating the interim order dated 22.12.2015. The prayer of petitioners is limited to the extent of restraining respondents from interfering with the property covered by assignment dated 21.02.1968 without recourse to law.

After taking note of submissions and the material available on record, I am satisfied the interim order dated 22.12.2015 can be made as final order in the writ petition.

This Court has not examined the merits of the matter, if at all, circumstances warrant interfering with the possession or enjoyment of petitioners of assigned land, the same shall be strictly in accordance with law.

The Writ Petition is accordingly disposed of. No order as to costs. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

Date: 30.06.2017
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S.V. BHATT, J

