

THE HON'BLE SRI JUSTICE P. KESHA VA RAO

Writ Petition No.26182 of 2005

ORDER:

Heard the learned counsel for the petitioners. There is no representation on behalf of the Government Pleader appearing for the 1st respondent.

The present writ petition is filed by the petitioners questioning the action of the respondents in directing the petitioners not to interfere with the peaceful possession and enjoyment of the respective extents of lands under the guise of the subject land has been allotted to third parties.

The specific case of the petitioners herein is that since they are poor agriculturists having meager extents of lands and as the same is not sufficient for their survival, they made an application to the then Mandal Revenue Officer, Porumamilla in the year 1999 for assignment of government land. In pursuance of the said application, the M.R.O. after conducting an enquiry, was pleased to grant an extent of Ac.2.00 land each to the 1st petitioner and 2nd petitioner in Sy.Nos.161/1 and 161/2, and an extent of Ac.1.07 cents in Sy.No.167/3 and an extent of Ac.1.81 cents in Sy.No.160/2 in favour of the petitioners 3 and 4 respectively situated at Routhupalle village hamlet of Ganugapenta village, Porumamilla mandal by granting four DKTpattas vide proceedings dt.24.06.1999. After the assignment of the above said extent of lands in their favour, the same was brought into cultivation within one year of the assignment and since then, they have been in possession and

enjoyment of their respective extents by raising crops depending upon the rain fall.

While the matters stood thus, on the eve of Republic Day i.e. on 26.01.2005, the first respondent herein has allotted the very same extent of lands assigned to the petitioners herein to four different persons viz. Jakkala Atchamma, Indla Ramalakshamma, Mutyala Venkata Ramanamma, and Jakkala Venkatamma who according to the petitioners are not residents of Routhupalle village. On the other hand, as far as Indla Ramalakshamma is concerned, she is residing in Kuwait for the last 10 years, Mutyala Venkata Ramanamma is a minor and unmarried. However, the said subsequent assignments granted in favour of the said four persons were cancelled by the first respondent in his proceedings reference No.B/210/2004, dt.28.02.2005 confirming the assignments granted in favour of the petitioners.

However, after cancellation of the subsequent assignment, the respondents are objecting and interfering with the peaceful possession and enjoyment of the petitioners in respect of the lands assigned to them on the ground that the land is assigned in favour of the third parties. In those circumstances, the present writ petition is filed seeking a direction to the respondents not to interfere with their peaceful possession and enjoyment.

Though, the writ petition is filed in the year 2005, till date no counter affidavit is filed on behalf of the respondents nor any instructions are placed before this Court. In these circumstances, more so, looking into the proceedings dt.24.06.1999 under which

the petitioners are assigned lands and the proceedings dt.28.02.2005 under which the subsequent assignments are cancelled, this Court is of the opinion that the action of the respondents in trying to interfere with the peaceful possession and enjoyment of the petitioners in their cultivation amounts to arbitrary and high handed action. The respondents without canceling the original allotment and without initiating any proceedings as per law, cannot interfere with the enjoyment of the subject lands assigned to the petitioners.

Therefore, this Court feels that it is a fit case where a direction can be issued to the respondents not to interfere with the peaceful possession and enjoyment of the petitioners in respect of subject lands assigned to them under proceedings dt.24.06.1999.

Accordingly, the writ petition is allowed. No costs.

Miscellaneous petitions, if any, pending in this petition shall stand closed.

DATE: 10-11-2017
ccm

P. KESHA VA RAO, J

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