

HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.21363 OF 2016

ORDER:

Heard Ms.T.Dhana Lakshmi, holding for Mr.J.U.M.V.Prasad, counsel for petitioners and the Assistant Government Pleader (Assignment) for respondents.

The petitioners pray for the following relief:

“.....this Hon'ble Court may be pleased to issue a writ order or direction more particularly one in the nature of writ of mandamus, declaring the action of the respondents in trying to dispossess the petitioners from the lands extent of Ac. 30.00 cts spread over in Sy.No.664, 773, 774, 775, 776, 777, 778, 779, 780/3, 780, 781/1, of Chakicherla Village, Ulavapadu Mandal, Prakasam District without following due process of law as being illegal, arbitrary, unjust, improper and is in negation of the established Judicial Precedents besides in violation of Articles 21 and 300-A of the Constitution of India apart from in violation of principles of natural justice and fair play, consequently direct the respondents not to dispossess the petitioners from the said lands without following the due process of law and pass....”

The respondents filed counter affidavit through Tahsildar, Ulavapadu Mandal. The operative portion of the counter affidavit reads as follows:

“It is submitted that originally the lands in the Survey Nos. S.Nos.664, 773, 774, 775, 776, 777, 778, 779, 780/3, 780, 781/1 admeasuring an extent of Ac.61-79 Cts of Chakicherla Revenue Village of Ulavapadu Mandal was classified as Tank and the land in Survey No.776 admeasuring an extent of Ac.9-76 Cts is classified as a patta land, and the land in Survey No.773 admeasuring an extent of Ac.204-95 Cts is classified as Jammula Cheruvu Tank. The petitioners without any order or permission were cultivating the entire extent of land of the above said

Survey Nos. have raised crops and enjoying the yield and getting monetary benefit to them. I further submit that after verification of connected revenue records i.e., Resettlement Register Adangal, the names of the petitioners are not entered in the records. Hence, the petitioners have no legal right to claim the above said lands which are classified as Tank/Canal/Patta lands. In fact the irrigation department have to look after, monitor and protect the tank/canal lands”.

From the above, it is clear that the possession of petitioners, except insofar as Sy.Nos.776 and 773, is substantially admitted. Having regard to the admission of 4th respondent on possession and enjoyment of petitioners, even assuming without expressing a view on the merits of the contention raised by respondent No.4 that the petitioners are encroachers, still having regard to the settled possession and also the garden/crops raised by the petitioners in the subject matter of the writ petition, this Court is satisfied that the possession of petitioners is not disturbed, except in accordance with law. This direction issued by the Court is applicable to all the survey numbers referred in the petition, except Sy.Nos.776 and 773 of Chakicherla Village of Ulavapadu Mandal.

The writ petition is, accordingly, disposed of. There shall be no order as to costs.

Consequently, pending miscellaneous petitions, if any, stand closed.

S.V.BHATT, J

24th July, 2017

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