

HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.18115 OF 2014

ORDER:

The petitioners pray for Mandamus declaring the action of respondents in seeking to dispossess them from an extent of Acs.74-30 cents in Sy.No.101 of Lankojanapalli Village, Darsi Mandal, Prakasam District, without issuing notice or following the procedure prescribed by law, as illegal and unconstitutional.

The petitioners rely upon the order of the Assistant Settlement Officer, Nellore in RC/1342/11(A)/63/DSI dated 03.04.1996, RC/402/11(A)/63/DSI dated 23.04.1966 and recommendations of the Assistant Director, Survey and Land Records dated 24.11.2010 and tried to persuade this Court to presume re-grant in favour of petitioners and also their continuous possession and enjoyment of an extent of Acs.74-30 cents.

On 02.07.2014, this Court has granted interim direction as prayed for. The respondents filed petition to vacate the interim order dated 02.07.2014. In the counter affidavit, the respondents contested each and every one of the circumstances relied upon by the petitioners. To refer to a few, the cases of the respondents is that the petition land is classified as konda poramboke as per FLR/SLR and the proceedings on which the petitioners are relying upon are doubted, not genuine and record is not available. The possession of petitioners to an extent of Acs.74-30 cents is also stoutly denied.

I have carefully perused the documents on which the petitioners are relying upon and also the stand taken by the respondents.

Mr.M.R.S.Srinivas fairly submits that this Court presumes possession basing upon the documents relied upon by the petitioners as well as respondents. In the case on hand, even to the limited extent of presuming possession, the disputed questions of right, title and entitlement have to be gone into and having regard to the scope of prayer and the jurisdiction of this Court under Article 226 of the Constitution of India, he requests the Court to leave these contentions open for petitioners to canvass before the competent Court. The statement is placed on record.

By granting the liberty as prayed for, the writ petition is dismissed. Interim order granted on 02.07.2014 is vacated. There shall be no order as to costs.

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

06th July, 2017

Lrkm

S.V.BHATT,J