

HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.19812 OF 2016

ORDER:

The petitioner claims to be the son of one Jeevaratnam. The petitioner contends that Jeevaratnam, his father, worked in Indian Army and was discharged from service in due course of time.

On 10.12.1979, the Tahsildar, Kadapa Mandal assigned an extent of Acs.3-40 Cts in Sy.No.1010/5 of Chinna Chowk Village fields, Kadapa Mandal, YSR Kadapa District in favour of Jeevaratnam. The petitioner to show that he is one of the successors of Jeevaratnam relies upon certificate dated 21.01.1999 issued by 4th respondent upon the demise of Jeevaratnam on 04.11.1998. The petitioner complains that the 4th respondent with a view to providing house sites to weaker sections is contemplating to dispossess the petitioner i.e., the legal representative of original assignee without recourse to law.

On 22.06.2016, the following interim direction was issued:

"Heard learned counsel for petitioner.

There shall be interim direction as prayed for in respect of land to an extent of Ac.3-40 Cents in Sy.No.1010/5 of Chinna Chowk Village fields, Kadapa Mandal, YSR District".

The interim direction is subsisting as on date. The respondents neither filed counter affidavit nor a petition to vacate the interim order.

After perusing the material available on record and hearing the counsel for petitioner and the Assistant Government Pleader

(Assignment), I am satisfied that without actually considering the merits of the matter, since the prayer is in a limited area, the writ petition can be disposed of by this order:

- (a) the respondents are directed not to dispossess the petitioner's possession and enjoyment of Acs.3-40 Cts in Sy.No.1010/5 of Chinna Chowk Village fields, Kadapa Mandal, YSR Kadapa District, except in accordance with law; and
- (b) the merits and the assertion of petitioner or the rival submissions of respondents, if any, are left open for consideration and decision in the proceeding the respondents desire to initiate in this behalf;

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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