

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.17260 OF 2009

ORDER:

The relief, sought for in this Writ Petition, is to declare the action of the respondents, in attempting to dispossess the petitioner from her plots bearing Nos.58 and 59 in Sy. No.180 of Paradesipalem, Chinagadili Mandal, Visakhapatnam, without issuing any notice and without following the procedure established by law, as arbitrary and illegal.

By way of an interim order in WPMP No.22632 of 2009 dated 19.08.2009, the respondents were directed not to dispossess the petitioner from her plots without following the due process of law. In the counter-affidavit filed by the Tahsildar, it is stated that the subject land was assigned lands, and that alienation of assigned lands is prohibited; and such alienation is null and void under Section 3 of the POT Act, 1977. If, as is contended by the Tahsildar, the petitioner had purchased assigned lands the mode in which she can be evicted from such lands is in accordance with the provisions of the aforesaid Act and the Rules made thereunder, after putting her on notice and after giving her an opportunity of being heard.

Suffice it to dispose of the Writ Petition directing the respondents not to take any coercive steps to dispossess the petitioner from the subject land, except after putting her on notice, giving her an opportunity of being heard, and thereafter passing a reasoned order in accordance with law.

The Writ Petition stands disposed of accordingly. The miscellaneous petitions pending, if any, shall stand closed. No costs.

RAMESH RANGANATHAN, ACJ

Date: 24.08.2017.
MRKR

