

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.7817 of 2017

ORDER:

Heard Mr. K.Shankaranarayana, learned counsel for the petitioners and learned Assistant Government Pleader for Revenue.

The petitioners pray for Mandamus declaring the action of respondents in taking possession of the land in S.No.219-4 for an extent of Ac.1.27 cents, S.No.219/2 for an extent of Ac.1.26 cents, S.No.212-1G for an extent of Ac.1.47 cents, S.Nos.464-2, 269-2, 450-3, 456-5, 212-1H for an extent of Ac.2.87 cents, S.No.219/5 for an extent of Ac.1.27 cents, S.No.219/3 for an extent of Ac.1.27 cents, S.No.212/1I for an extent of Ac.1.50 cents, S.No.212/1F for an extent of Ac.1.47 cents, in S.No.212/1K for an extent of Ac.1.50 cents, S.No.212/1E for an extent of Ac.1.00, S.No.212/1K for an extent of Ac.1.50 cents, S.No.219-7 for an extent of Ac.1.28 cents and S.No.219-6 for an extent of Ac.1.28 cents of Balabadrapuram Village, without recourse to law, as illegal and unconstitutional.

The 3rd respondent-Revenue Divisional Officer, Ramachandrapuram, filed counter-affidavit. On the allegation of petitioners, viz., without recourse to law or serving notice, the petitioners are dispossessed, the following reply is given.

“It is submitted that on service of the notices, only the 9 persons have submitted their explanation stating that the

land is under their cultivation, that they possess D Form Patta, Pattadar Pass Book etc., With regard to 13 Writ Petitioners, notices were served on 5 individuals, 3 were died and the remaining 5 have rejected to receive the notices.”

From the above it is clear, steps in fact were taken to serve notices on petitioners, afford them opportunity and pass orders as are deemed fit in the circumstances of the case. A few have received the notices, but have not replied. A few of them could not be served notice since they are no more and five have refused to receive the notices. With a view to have fairness in action and to meet the ends of justice, as prayer is confined to the limited objection that respondents are trying to take possession of the subject land, without recourse to law, I am satisfied the writ petition can be disposed of by this order.

The learned counsel for the petitioners consents the same.

The petitioners are given four weeks time from today by enclosing a copy of this order to submit explanation to the show-cause notice issued by respondents in this behalf. The Tahasildar is directed to pass an order within two weeks thereafter, in accordance with law.

The writ petition is disposed of as indicated above. It is needless to observe that the standing crop raised by the petitioners in the subject matter of the writ petition shall be permitted to be harvested and carried by the petitioners.

Miscellaneous petitions, if any, pending, shall stand closed. No order as to costs.

2nd June 2017

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S. V. BHATT, J

