

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.18069 OF 2017

ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for Home for the State of Andhra Pradesh. With their consent, the present writ petition is disposed of at the admission stage itself.

2. Since this Court is not going into the merits of the case, it may not be necessary to put the 4th respondent on notice.

3. The Writ Petition, under Article 226 of the Constitution of India, came to be filed with the following relief:

“..to issue a Writ of Mandamus or any other appropriate Writ Order or direction declaring the action of the third respondent in interfering with the civil disputes defying the orders of the civil court in respect of the lands in Sy.Nos.85/B, 86/2A, 86/2AC, 99/3A1, 99/3A2 and 213/B1 of Didugu Village, Amaravathi Mandal, Guntur District, as illegal, arbitrary and without jurisdiction and issue consequential direction to the respondents not to interfere with petitioners enjoyment of the lands.”

4. The averments in the affidavit filed in support of the writ petition would show that the petitioners claim to be the owners of the agricultural lands in Sy.Nos.85/3B, 86/2A, 86/2AC, 99/3A1, 99/3A2 and 213/B1 of Didugu Village, Amaravathi Mandal, Guntur District and they have been in possession and enjoyment of the said land. When one Cherukuri Rajya Lakshmi, tried to interfere with their possession and enjoyment over the said lands, the petitioners filed three separate suits

against her vide O.S.Nos.349, 345 and 362 of 2016 before the III Additional District Judge, Guntur and obtained injunction orders in I.A.No.98, 977 and 1056 of 2016 respectively on 30.01.2017. In spite of the injunction orders, the 3rd respondent, at the instance of said Rajya Lakshmi is preventing the petitioners from cultivating the lands and threatening them with filing of false cases. Hence the present writ petition.

5. Learned Government Pleader, on telephonic instructions, denies the allegations made in the writ petition and further submits that the allegation that the 3rd respondent is interfering with the peaceful possession and enjoyment of the petitioners is false.

6. Having regard to the rival submissions made, the Writ Petition is disposed of directing the 3rd respondent not to interfere with the agricultural activities of the petitioners in respect of the lands in Sy.Nos.85/3B, 86/2A, 86/2AC, 99/3A1, 99/3A2 and 213/B1 of Didugu Village, Amaravathi Mandal, Guntur District, except in accordance with the procedure established by law.

Consequently, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

Date:07.06.2017
INL