

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 804 of 2013

ORDER:

1) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondents in trying to dispossess the petitioners from the land in Sy.No.600/ 2B of Kandukur Municipality, Prakasam District, without issuing any notice and without following due process of law.

2) The averments in the affidavit filed in support of the writ petition would show that the petitioners claim to be owners and possessors of the property in Sy.No.600/ 2B having purchased the same through registered sale deeds from the original owners. It is their case that since the date of purchase, they are in possession and enjoyment of the same. It is stated that on 04.01.2013 the officials of the second respondent came to the site and started measuring the land. When questioned as to why they are measuring the land, they were informed that the respondents proposed to construct community hall to be used as marriage for the benefit of muslims and are trying to dispossess the petitioners from the land. Questioning the said action, the present writ petition came to be filed.

3) By an order dated 09.10.2013 this Court granted interim direction as prayed for.

4) A counter came to be filed by the first respondent disputing the averments made in the affidavit filed in support of the writ petition. It is stated that Muslims of Kandukur Town requested allotment of land in Kandukur town for construction of a Shadikhana. In this connection, the Mandal Surveyor identified an extent of Ac.1.00 in Sy.No.621/ 7 of Kandukur, which was classified as Donka Poramboke, as per village accounts. The then Tahsildar inspected the land and observed that the land is kept vacant and covered by Japan Babul Trees and also instructed to clear the same. At that juncture the petitioners filed the present writ petition before this Court seeking a direction not to interfere with the possession and enjoyment of the petitioner over the land in Sy.No.600/ 2B.

5) The second respondent filed counter stating that the first respondent orally requested his office to clear jungle in Sy.No.600 so as to enable them to survey the Government land. It is further stated that the second respondent only spared the vehicle for jungle clearance to enable the first respondent for survey of government lands and otherthan that the second respondent is not aware of any proposals as mentioned in the petition.

6) Learned Government Pleader for Revenue would submit that it is only an apprehension of the petitioners that the authorities may dispossess the petitioner from the land in Sy.No.600/ 2B of Kandukur village, which is adjacent to Sy.No.621. No proceedings or steps or action is initiated to dispossess the petitioners from

the land. If the said land is required, steps for dispossession will be taken only after following due process of law.

7) In view of the above, if the petitioners are in possession of the property, any action taken by the authorities shall only be in accordance with law.

8) With the above direction, the writ petition is disposed of. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

14.02.2017
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JUSTICE C. PRAVEEN KUMAR