

THE HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.17396 of 2011

ORDER:

Heard both sides and perused the records.

2. The present Writ Petition came to be filed seeking issuance of writ of Mandamus declaring the action of respondents in proceeding to disturbing the possession and enjoyment of the petitioner in respect of the land admeasuring Acs.3.00 situated in Survey No.115, Dinnedevarapadu, Kurnool District, without following due process of law, as illegal and arbitrary.

3. The averments in the affidavit filed in support of the writ petition would show that the wife of the petitioner purchased the above mentioned land under a registered sale deed dated 14.07.1980 from one Chinna Gopal and his family members. Subsequently the wife of the petitioner, in whose name pattadar pass book was issued in respect of the above land, died and since then the petitioner is in possession of the said land. It is stated that the first respondent along with his men visited the said land on 07.06.2011 and started taking measurements of the land. On questioning them, the officials informed the petitioner that the land is to be allotted to the landless poor persons for house sites. Challenging the action of the respondents in trying to dispossess the petitioner, without following due process of law, the present writ petition is filed.

4. By an order dated 23.06.2011, this Court while issuing *rule nisi*, directed the respondent-authorities not to dispossess the petitioner from the land in question.

5. A counter came to be filed by the Tahsildar, Kurnool District, disputing the averments made in the writ affidavit. It is stated that the land in Survey No. 115 of Dinnedevarapadu Village, admeasuring Acs.4.64 cents is classified

as A.W.Land as per Re-Settlement Register, 1908. Subsequently, as per RSR of Dinnedevarapadu Village, the land in the said survey number was assigned in favour of Chinna Gopal, who sold the land to Harijana Bhusanna and Smt.P.Susanthamma, who is the wife of the petitioner. It is also an admitted fact that Smt.P.Susanthamma, who is the wife of the petitioner, purchased the land from said Chinna Gopal. The counter further reveals that subsequently the petitioner sold Ac.0.50 cents to others contrary to the provisions of A.P.Assigned Lands (POT) Act, 1977 and hence he has no right over the land and is liable to be evicted.

6. At the time when the matter is taken up for hearing, learned Government Pleader submits that if the land is said to be acquired for any public purpose, the authorities shall follow due process of law, before dispossessing the petitioner from the said land, if he is still in possession of the same.

7. Learned counsel for the petitioner would submit that the petitioner is still in possession and that any action to be taken by the respondent-authorities may be directed to be done, in accordance with law.

8. In view of the above, the writ petition is disposed of directing the respondent-authorities not to dispossess the petitioner from the land in dispute, except in accordance with law. There shall be no order as to costs.

9. Miscellaneous petitions, pending if any, shall stand closed in the light of this final order.

JUSTICE C. PRAVEEN KUMAR

06.02.2017
vnb