

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 454 of 2018

Order:

Heard learned counsel for the petitioner and learned Government Pleader for the respondents.

It is the case of the petitioner that his mother purchased the land of an extent of Ac.4.00 in Survey No.96/2 of Avulanatham village under a registered sale deed dated 09.11.1979 and took possession of the said property. She died about 23 years ago and thereafter the petitioner and other family members are in possession of the property. The said property was divided into three parts and separate sub-division numbers were assigned, namely, Survey Nos.96/2A, 96/2B and 96/2C of an extent of Ac.1-34 cents, Ac.1-33 cents and Ac.1-34 cents respectively. It appears that in the land of an extent of Ac.0-40 cents, the Government laid a road and no compensation was paid. Adjacent to the land of the petitioner, an extent of Ac.3-60 cents of land is situated in Survey No.96/3 and it is classified as 'Gutta Poramboke'. The said land was allotted to seven (7) landless poor persons and some other persons appear to have submitted a representation to the first respondent seeking allotment of the land of the petitioner which is situated adjacent to the said land. When there was a threat of interference, the petitioner filed O.S.No.154 of 2006 before the Junior Civil Judge, Kuppam against the District Collector and respondent No.1 and a written statement was filed therein stating that the Government never interfered with the private patta land of the petitioner situated in Survey No.96/2. In those circumstances, the suit was decreed and permanent injunction was granted in favour of the petitioner by judgment and decree dated 26.03.2010. Now it is alleged that the respondents 1 and 2 are trying to interfere with the private patta land of

the petitioner and in those circumstances, he issued a notice on 07.12.2017 to the respondents 1 and 2. When there is no response from the respondents 1 and 2, he filed the present Writ Petition.

It is needless to observe that the official respondents shall not interfere with the private patta land of the petitioner or any other person without following due process of law. It is evident from the above facts that the petitioner obtained a decree of permanent injunction in O.S.No.154 of 2006 from the Court of the Junior Civil Judge, Kuppam on 26.03.2010 and the said judgment and decree has become final. In view of the same, respondents 1 and 2 are directed not to interfere with the private patta land of the petitioner without following due process of law.

The Writ Petition is, accordingly, disposed of. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 19.01.2018
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