

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION No.1006 of 2016

ORDER:

This Writ Petition, under Article 226 of Constitution of India, is filed to declare the action of the 4th respondent in threatening to dispossess the petitioners from their lawful possession in respect of land admeasuring Ac.1.08 cents, Ac.1.09 cents, Ac.1.08 cents, Ac.1.63 cents and Ac.1.62 cents in Sy.No.67/2 at Kavalakuntla Village, Pullalachervuu Mandal, Prakasam District without issuing any notice and without following the procedure contemplated under law, as illegal and arbitrary.

2) Heard learned counsel for the petitioners and learned Government Pleader for Revenue representing for the State of Andhra Pradesh.

3) The contention of the petitioners is that they are in peaceful possession and enjoyment in respect of land admeasuring Ac.1.08 cents, Ac.1.09 cents, Ac.1.08 cents, Ac.1.63 cents and Ac.1.62 cents in Sy.No.67/2 at Kavalakuntla Village, Pullalachervuu Mandal, Prakasam District about more than four decades. The 4th respondent is threatening to dispossess them from their lawful possession of the said lands without issuing any notice and without following due process of law.

4) Learned Government Pleader informs the Court that none of the respondents are interfering with the possession and enjoyment of the petitioners in respect of land admeasuring Ac.1.08 cents, Ac.1.09 cents, Ac.1.08 cents, Ac.1.63 cents and Ac.1.62 cents in S.No.67/2.

5) The petitioners are the pattadars as per Adangal for the year Fasli 1424 and their names were registered as Pattadars and made enteries in column Nos.12 and 13 and the respondent did not enter their names in Form 1 B (ROR). However, the petitioners are admittedly in possession of the land referred above and even if the land belongs to the Government, the respondents are required to follow the procedure to evict the persons who are in unlawful possession and only following the procedure contemplated under the Act, they can be evicted if they are in possession.

6) In view of the representation made by learned Government Pleader for Revenue, the 4th respondent is directed not to dispossess the petitioners from the land admeasuring Ac.1.08 cents, Ac.1.09 cents, Ac.1.08 cents, Ac.1.63 cents and Ac.1.62 cents in S.No.67/2 at Kavalakuntla Village, Pullalacheruvu Mandal, Prakasam District except by following due process of law.

7) Accordingly, the Writ Petition is disposed of. No order as to costs.

Consequently, miscellaneous petitions, pending if any, in this writ petition shall stand dismissed.

M.SATYANARAYANA MURTHY, J.

Date: 18.04.2018
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THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY



Dt.18.04.2018

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