

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

WRIT PETITION No. 22535 of 2014

O R D E R:

The petitioner seeks Mandamus.

According to the petitioners, they are brothers and originally, the agricultural land admeasuring Ac.1.38 gts., situated in Sy.No.84/B, Nimmanapalli Revenue Village, Peddapalli Mandal, Karimnagar District, is an ancestral property of one Thumma Marrireddy and he was granted pattadar pass book under the provisions of Andhra Pradesh Record of Rights in Land Act, 1971. After demise of the said Thumma Marrireddy, his son Thumma Balreddy succeeded to the said property and he filed a declaration under the provisions of Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 by showing the said land as one of his items and the same was approved by the competent authority. After demise of the said Balreddy, his daughter Pentareddy Jaya Seethamma, who is mother of the petitioners herein succeeded to the said property and pattadar pass book and title deeds were granted to her and her name was mutated in revenue records. The said Jaya Seethamma died intestate on 19.04.2014 leaving behind her two sons as her successors and they became absolute owners

and possessors of the subject property and cultivating the land by raising paddy crop.

It is the case of the petitioners that on 04.08.2014 respondent No.3 accompanied by his office staff came to the subject property and without there being any power, authority or jurisdiction to interfere with the peaceful possession of the petitioners, insisted them to vacate the same on the ground that the said land is identified for the purpose of distribution to the landless poor persons, without following due process of law as contemplated under law. Hence, the writ petition.

Learned Government Pleader for revenue took notice for respondents. However, no counter is filed so far.

Heard.

As can be seen from the material available on record, the petitioners' claim is that they have been enjoying the subject property by succeeding the same from their ancestors and the respondent authorities without any authority and without following due process of law, trying to dispossess them from the subject property.

In that view of the matter, this Court deem it fit to direct respondent authorities not to acquire the subject land without

following due process of law and affording opportunity to the petitioners to establish their claim.

With the above direction, the writ petition is disposed of.

No costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

U.DURGA PRASAD RAO, J

Dt. 10.12.2018
MjI/*

