

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

Writ Petition No.3892 of 2018

Order:

The petitioner claims to be in possession and enjoyment of the land of an extent of Ac.1-22 gts., situated in Survey No.262 of Sarapaka village, Burgampahad Mandal, Bhadracharya-Kothagudem District. Her case is that the land was in her occupation since the time of her forefathers. Her name was also recorded in the revenue records as enjoyer of the land. She states that when an order was passed by the fourth respondent in the name of one Bhukya Valya in respect of the land of an extent of Ac.2-00 in Survey No.262, she preferred an appeal before the third respondent and the third respondent allowed the appeal. In spite of the same, when the fourth respondent is interfering with her land, she filed the present Writ Petition.

Learned Government Pleader received written instructions from the fourth respondent which revealed that the earlier order passed by the fourth respondent in respect of Ac.2-00 of land in Survey No.262 was not against the petitioner and in spite of the same the petitioner preferred an appeal before the third respondent and got the order passed by the fourth respondent set aside. The said order was passed by the third respondent without obtaining the report from the fourth respondent - Tahsildar about the ground position and now a report appears to have been submitted by the fourth respondent to the third respondent. Ultimately, now the fourth respondent states that he is not trying to evict the petitioner from the Government land and the petitioner approached this Court out of fear or for some other reason. The petitioner is Non-Tribal and is not entitled to continue possession in the Government land. The Tahsildar would evict the petitioner from the Government land by following due process of law only.

In view of the above facts and also in view of the fact that Survey No.262 is a vast extent of Ac.3161.03 gts., the apprehension of the petitioner has no basis. Since the fourth respondent undertook to follow due process of law before evicting the petitioner, no further orders are necessary in the present Writ Petition except to record the statement of the fourth respondent.

The Writ Petition is, accordingly, closed. 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.

Date: 19.02.2018

Note:
Issue CC in two (2) days
(B/O)
Nsr

A. RAMALINGESWARA RAO, J

