

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

W.P.NO.15634 OF 2005

ORDER:

This writ petition is filed seeking to declare the order of the 1st respondent passed in R.Dis.No.7306/2002(F1), dated 30-06-2005 as illegal, arbitrary and without jurisdiction.

2. It is the case of the petitioners that they are in possession of the land in Sy.No.361/8, in an extent of Ac.3.93 cents and Sy.No.361/9 in an extent of Ac.4.00 cents. The petitioners earlier filed W.P.No.3712 of 2003 under threat of dispossession by the Government and the same was disposed of by this Court vide order dated 15.04.2003, directing the respondents not to evict the petitioners without following due process of law.

3. The petitioners challenged the order passed by the Joint Collector, West Godavari, Eluru in R.Dis.No.7306/2002(F1), dated 30-06-2005, wherein, the Joint Collector has directed the Mandal Revenue Officer, Jangareddygudem, respondent No.2 herein to implement the orders in the village records by mutating the names of Rayi Pattabhirama Rao and Rayi Nagaraju, respondents 3 and 4 in respect of Ac.12.00 cents in R.S.No.361, Ac.0.88 cents in R.S.No.361/7, Ac.3.93 cents in R.S.No.361/8 and Ac.7.19 cents in R.S.No.361/9, by revoking the order passed by the Mandal Revenue Officer under Section 145 of Cr.P.C. The petitioners submitted that their appeals are pending with the first respondent. They have no objection for passing orders of mutation by the official respondents in favour of respondents 3 and 4.

4. The respondents contended that the petitioners have no *locus standi* to maintain the writ petition. The claim of the petitioners on subject lands is untenable as their lands are elsewhere and not the lands of respondents and they are not in possession of the subject lands. Further the petitioners are not having legally enforceable title even as per the orders passed by the Revenue Divisional Officer, dated 3.9.1988 in L.Dis.No4636/87(K) in the appeal filed by the petitioners as they are not in occupation of the lands as contended by them. Further, they have not raised any crop by investing huge amounts and the said lands are already handed over to the Chairman of Tobacco Board, Guntur after calculating the market value of the land. The petitioners were evicted by following due process of law by issuing notices under Sections 6 and 7 of the Land Encroachment Act.

5. The 5th respondent is claiming to be the brother of respondents 3 and 4 and he prayed to decide his rights in the property and also submitted that the suit for partition filed by him is pending before the Additional District Court, Kovvur. The 5th respondent is not entitled for any relief in the writ petition filed by the petitioners and therefore, his request is rejected.

7. The petitioners cannot claim any relief in this writ petition with regard to the lands in which they have no title and with regard to the possession, the orders of official respondent states that they are evicted and lands are given to Tobacco Board.

8. For the reasons stated above, the writ petition is dismissed. The petitioners are at liberty to pursue their remedies available to

them under law. No order as to costs. As sequel, the miscellaneous petitions pending if any shall stand closed.

T.AMARNATH GOUD,J

Date:06-04-2018

Shr

