

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION NO.28321 OF 2007

ORDER:

This writ petition is filed challenging the action of the respondents in trying to evict the petitioners from their lands admeasuring Ac.1-64 cents in Sy.No.334/2A and 3A, Ac.0-88 cents in Sy.No.334/3B, Ac.0-84 cents in Sy.No.334/2A and Ac.1-52 cents in Sy.Nos.307/2 of Chandragiri Village and Mandal, Chittoor District, without following due process of law.

2. Sri C.Ramachandra Raju, learned counsel for the petitioners, submits that the petitioners are the absolute owners of lands admeasuring Ac.1-64 cents in Sy.No.334/2A and 3A, Ac.0-88 cents in Sy.No.334/3B, Ac.0-84 cents in Sy.No.334/2A and Ac.1-52 cents in Sy.Nos.307/2 of Chandragiri Village and Mandal, Chittoor District, respectively, having purchased the same under registered sale deeds. Later, the revenue authorities issued pattadar passbooks and title deeds to the petitioners in respect of their lands. While so, the second respondent, without issuing any notice, tried to dispossess the petitioners from their lands on the ground that the lands are assigned lands. He contended that the respondents did not issue any notice to the petitioners and tried to dispossess the petitioners against the procedure contemplated under law and that in the event if the Government wants to dispossess the petitioners from the subject lands, it can do so in accordance with law.

3. The second respondent filed a counter affidavit stating that the subject lands were assigned to Sri B.Venkataswamy Reddy vide DKT No.140/4/47 dated 17.04.1938 as per the revenue records. It is stated in the counter that they issued notices to the petitioners and the subject lands are in possession of the petitioners.

4. In the counter, though it is stated that the subject lands are assigned lands, no piece of paper is filed to prove the same. Apart from the same, it is admitted in the counter that the petitioners were granted pattadar passbooks and are in possession of the subject lands. Since the Government did not produce any order showing that the subject lands are assigned lands and no order of cancellation of patta is furnished, the stand of the Government cannot be accepted and the respondents cannot evict the petitioners from their lands without following due process of law. In the event if the respondents want to take steps to evict the petitioners from their lands, they are at liberty to do so by following due process of law.

5. The writ petition is accordingly allowed. As a sequel, the miscellaneous petitions pending if any shall stand closed. No order as to costs.

T.AMARNATH GOUD, J

Date: 12-10-2018
TJMR