

HONOURABLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No. 10878 OF 2007

ORDER :

This writ petition is filed to declare the action of the respondents in evicting the petitioner from the land situated in R.S.No.406/9-A, admeasuring an extent of Ac:0-54 cents, survey No. 406/9-B, admeasuring an extent of Ac:0-58 cents of Tholeru village, Veeravasaram Mandal, West Godavari district, without passing any order pursuant to the explanation submitted by the petitioners on 09/05/2007, as illegal and arbitrary.

2. The brief facts of the case for the disposal of this writ petition are that :

The petitioners are holding agricultural lands in R.S.No. R.S.No.406/9-A, admeasuring an extent of Ac:0-54 cents, survey No. 406/9-B, admeasuring an extent of Ac:0-58 cents of Tholeru village, Veeravasaram Mandal, West Godavari district. The said

lands were purchased by the mother of the petitioners in the year 1959 through a registered sale deed from one Sri Dandu Krishnam Raju and others; from the date of purchase, the said lands are in possession of the parents of the petitioners; during the life time, the mother of the petitioners executed a registered will deed in the year 2002 in favour of the petitioners; the pattedar passbooks and title deeds were issued in respect of the above land in favour of the mother of the petitioners in the year 1998; in the year 2002, the mother of the petitioners expired and the petitioners have become the absolute owners of the said lands; on 01/05/2007 the Tahsildar, Veeravasaram Mandal, served a notice in Form No.II asking the petitioners to submit explanation within fifteen days as to why they should not be evicted from the lands; On enquiry, the petitioners came to know that the said lands were identified as “Government lands” ; the petitioners submitted a representation on 11/5/2007 requesting the authorities to verify the Revenue

Records and to provide an opportunity to them; the said representation is still pending before the authorities; without passing any order on the said representation, the respondents are trying to evict the petitioners from the schedule lands;

3. This writ petition was admitted on 25/04/2007 and interim direction was passed not to dispossess the petitioners from the said lands till passing of the final order pursuant to notice dated 05/4/2007 issued by the first respondent.

4. Heard the arguments of the learned counsel for the petitioners and the learned Government Pleader for respondents.

5. The learned counsel for the petitioners submitted that till now no order has been passed by the first respondent pursuant to their representation dated 09/05/2007, which was received by them on 11/05/2007.

6. The learned Government Pleader submitted written instructions dated 08/06/2018 addressed by the Tahsildar,

Veeravasaram Mandal, West Godavari district to the Government Pleader for Revenue. He stated that no orders are passed so far on the representation of the petitioners and in obedience to the interim orders dated 24/05/2007 passed by this Court in WPMP.No.13634 of 2007, the petitioners are not evicted from the said lands. It is submitted by the learned Government Pleader for Revenue that no orders are passed on the representation of the petitioners.

7. Pursuant to the notice issued by the first respondent on 05/4/2007, the petitioners submitted a representation on 09/5/2007, which was received on 11/05/2007 in the Office of the Tahsildar, Veeravasaram Mandal, West Godavari district. Admittedly, no orders have been passed by the first respondent till now on the said explanation submitted by the petitioners. The learned counsel for the petitioners seeks permission to file

additional explanation, as the explanation was filed as back as in 2007.

8. In view of the facts and circumstances explained above, the petitioners are permitted to submit additional explanation to the Tahsildar, Veeravasaram Mandal, West Godavari district, within two weeks from the date of receipt of a copy of this order and the first respondent – Tahsildar, Veeravasaram Mandal, West Godavari district is directed to pass appropriate orders thereon merits and in accordance with law within a period of eight weeks from the date of receipt of the said additional explanation.

9. As this Court already passed interim directions in WPMP.No.13634 of 2007, dated 24/05/2007 not to dispossess the petitioners from the subject lands in pursuance of the notice dated 05/4/2007, the petitioners shall not be dispossessed till final orders are passed by the first respondent, on the basis of explanation and additional explanation.

10. The writ petition is disposed of at the admission stage.

No costs.

11. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.

JUSTICE KONGARA VIJAYA LAKSHMI



HONOURABLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI



WRIT PETITION No. 10878 OF 2007
(DISPOSED OF)

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