

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

WRIT PETITION No.5426 of 2014

ORDER:

Petitioners seek Writ of Mandamus declaring the action of the respondents in interfering with their peaceful possession and enjoyment of the land in Sy.No.207/౨/B an extent of Ac.0.14 gts. and in Sy.No.207/౨/C an extent of Ac.0.14 gts. situated at Rebbana Village and Mandal, Adilabad District without following due procedure as arbitrary and illegal and consequently direct the respondents not to interfere with their land.

2) The petitioners' case in brief is that they are the absolute owners of the aforementioned lands and their father viz. Vysyanaik was the original owner in an extent of Ac.1.86 cts. in Sy.No.207/౨ (207/1) and during his life time he sold Ac.0.48 cts and thereafter, in 1994 the remaining land an extent of Ac.1.38 cts. was partitioned among his four sons and in such partition the petitioners got to their share Ac.0.34 cts. (Ac.0.14 gts.) in Sy.No.207/౨ and the said survey number was sub-divided into 207/౨/A to D and the petitioners are enjoying the same and the revenue authorities issued pattadar pass books in their favour. While so, the respondents 3 and 4 along with their staff came to the land on 18.02.2014 and tried to evict the petitioners without any lawful right.

Hence, the instant writ petition.

3) Learned Assistant Government Pleader for Revenue appearing for respondents, on instructions, would submit that as per the Pahani records for the year 1991-92 of Rebbana Village and Mandal, Sy.No.207 was recorded as patta land in

the name of Sri Jarupula Vysya Naik s/o Jaithu and after demise of the pattedar succession was made to the following members.

Sy.No.	Extent (Acres Cts.)	Name of the Pattedar
207/ ౧/B	0.34	Jarupula Gopi s/o Vysya Naik
207/ ౧/A	0.25	Jarupula Mothibai w/o Chandru
2-7/ ౧/C	0.35	Jarupula Sangya s/o Vysya Naik

He would further submit that Jarupula Vysya Naik has sold the patta land in Sy.No.207 an extent of Ac.o.08 cts. to Sri Mohammad Razak s/o Nannu Sab when he was alive vide registered document No.580/84 and the same was implemented in the revenue records. Thereafter, the said purchaser filed an application in the office of 4th respondent on 22.10.2013 stating that the 2nd petitioner has occupied his land and requested to restore the land to him. In view of the said representation, notice was issued to both the parties vide Lr.No.B758/2013 to attend the office of 4th respondent with their respective documents. In the meanwhile, petitioners have filed the present writ petition. Learned AGP would submit that except issuing the aforesaid notice to verify the facts, the respondent authorities are not concerned with the land in question, since it is not a Government land.

4) In view of the aforesaid submission of learned AGP, this Writ Petition is allowed with a direction to the respondents not to interfere with the possession of the petitioners in respect of writ petition mentioned lands leaving the *inter se* disputes, if any, between the petitioners and Mohammad Razak to be settled by them through proper Court of law. No costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

U.DURGA PRASAD RAO, J

Date: 18.12.2018
Murthy

