

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.16991 OF 2007

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus declaring the action of the respondents in dispossessing the petitioners from their lands admeasuring Ac.0.30 cents to 0.34 cents in Sy.No.427/1 situated at Yarnagudem Village, Devarapalli Mandal, West Godavari District, as illegal and arbitrary, and consequently, to issue a direction to the respondents not to dispossess the petitioners from their lands, without following due process of law.

2. Heard Sri Sitaram Chaparla, learned Counsel for the petitioners and the learned Government Pleader for Assignments.

3. It has been submitted by the learned Counsel for the petitioners that pattas were granted in favour of the petitioners over the subject lands way back in the year 2000 and since then, the petitioners have been enjoying the said lands, and while so, the respondents are trying to dispossess the petitioners on the ground that they intend to allot the said land to the landless poor as house sites. It has been further submitted that at the time of admitting this writ petition, on 14.8.2007 this Court granted interim direction as prayed for viz., not to dispossess the petitioners from the subject lands, and by virtue of the said interim order, the petitioners are in possession of the subject lands.

4. The learned Government Pleader for Assignments submits that the subject lands belong to Gramakantam and that no pattas were granted in favour of the petitioners and that the petitioners are not in possession of

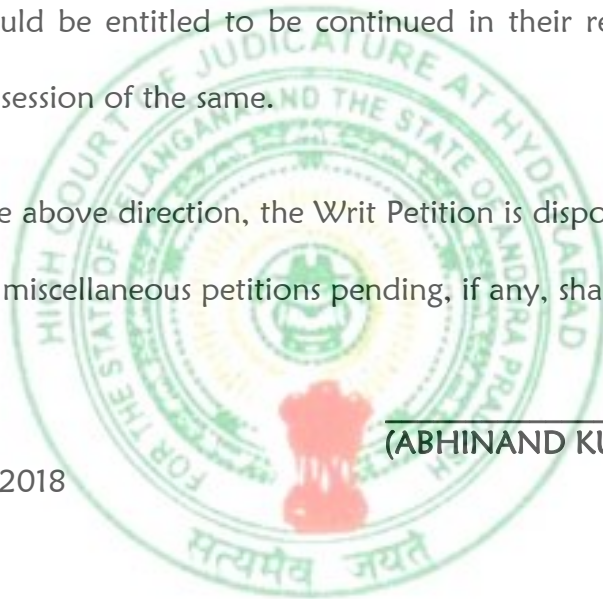
the subject lands and therefore, they are not entitled to the relief sought in this writ petition.

5. Considering the rival submissions made by the parties, this Court is of the view that if the petitioners are in possession of the subject lands by virtue of pattas alleged to have been granted in their favour in the year 2000, and if the respondents intend to acquire the same and dispossess the petitioners, the respondents shall follow the due process of law. Accordingly, the respondents are directed to follow due process of law, if they intend to acquire the subject lands in question. Till such time, the petitioners would be entitled to be continued in their respective lands, if they are in possession of the same.

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

28th February, 2018
Nn

(ABHINAND KUMAR SHAVILI.J)



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