

***THE HON'BLE SRI JUSTICE P. NAVEEN RAO***

**WRIT PETITION No.9525 OF 2018**

Dated:12.04.2018

Between:

Pagolu Bhagavannarayana,  
S/o. Raghavulu,  
Aged about 55 years,  
R/o. Gadepudi, Lellagaruvu,  
Gudlavalleru Mandal,  
Krishna District.

... Petitioner

And

The Mandal Tahsildar,  
Machilipatnam,  
Krishna District and another.

... Respondents



**The Court made the following:**

**THE HON'BLE SRI JUSTICE P.NAVEEN RAO****WRIT PETITION No.9525 OF 2018****ORDER:**

Petitioner claims that he is eaking out his livelihood by cultivating land to an extent of Acres 1.29 cents, situated in R.S.Nos.506/2 and 505/3. Petitioner, now, submits that the respondents are not allowing the petitioner to carry on the cultivation, hence, this writ petition.

2. According to the learned counsel for the petitioner, for several decades, petitioner is in possession and cultivating the land. In support of the claim that petitioner is in possession and cultivating, the revenue receipts issued towards the said lands are enclosed. However, in the recent Adangal copy, the land is shown as Government land and as treated as 'Kaluva' (stream).

3. Learned Government Pleader, on instructions, would submit that the land is a Kaluva and that there was never an assignment granted to the petitioner and that petitioner is in illegal occupation of the said land.

4. *Prima facie*, material record would disclose that petitioner is in occupation and cultivating the said land to an extent of Acres 1.29 cents. If that is so, petitioner cannot be

disturbed without following due procedure as prescribed under law.

5. While granting liberty to the respondents to follow the due procedure, if the respondents intend to evict the petitioner from the subject land, respondents are directed not to dispossess the petitioner without following due procedure as prescribed under law.

6. Accordingly and with the above direction, this writ petition is disposed of. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

**12.04.2018**  
**SS**

**P.NAVEEN RAO, J**

