

THE HON'BLE SMT JUSTICE K. VIJAYA LAKSHMI

WRIT PETITION No. 19932 OF 2002

ORDER:

This Writ Petition is filed seeking to declare the action on the part of the respondent in interfering with the land in Sy.No.318 in an extent of Acs.30, without following the due process of law, as illegal.

Brief facts of the case, so far as relevant, according to the writ petitioners are that the sole respondent herein instigated six members of the petitioners family in the year 1984 to encroach upon the land of Acres 30 in Sy. No.318 which is in their possession and enjoyment from the time of their ancestors. The petitioners filed O.S.No.96 of 1984 in the Court of the District Munsif, Bheemunipatnam for a permanent injunction restraining the defendants 1 to 7 from interfering with the possession and enjoyment of the said land. The said suit was dismissed. In the appeal in A.S.No.13 of 1994, by order dated 30.1.2001, a permanent injunction was granted restraining the respondents from interfering with the possession of the petitioners except under due process of law. The said order of injunction in so far as the respondent is concerned, has become final as the respondent has not preferred any second appeal. Other defendants to the said appeal filed Second Appeal No.359 of 2001 and obtained an exparte order of suspension of injunction. The petitioners filed C.M.P.No.8582 of 2002 seeking vacation of the said interim order. The Executive Officer of the respondent Devasthanam came to the lands of the petitioners with a Bull Dozer on 29.9.2002 and attempted to enter upon the said land.

Heard the learned counsel for the petitioners and Senior Counsel Sri M.Adinarayana Raju on behalf of the respondent.

Sri M.Adinarayana Raju, Senior Counsel, submits that the respondent will not interfere with the possession of the petitioners, except under due process of law.

In view of the submission made by the Senior Counsel Sri M.Adinarayana Raju on behalf of the respondent that the respondent will not interfere with the possession of the petitioners except under due process of law, the Writ Petition is disposed of by observing that the respondent should not dispossess the petitioner from the said land except under due process of law.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

Date: 31.1.2018

KPM

K.VIJAYA LAKSHMI, J

