

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.10865 of 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking verbatim the following relief:

“..to issue order direction more particularly one in the nature of writ of MANDAMUS declare the action of the Respondent Nos.3 to 5 in not considering the application filed by the petitioner 19.03.2018 as illegal, arbitrary and contrary to the provisions of Cr.P.C. and consequently direct the Respondent No.3 to issue suitable direction to the Respondent No.4 to arrange necessary protection for harvesting the crop raised in the land covered in R.S.No.419/1 Ac.5-49 cts situated at Antervedigudem Village, Buttaigudem Mandal, West Godavari District and to pass such other order or orders as this Hon'ble Court may deems fit just and proper in the circumstances of the case.”

2. I have heard the submissions of Sri P.R.K. Amarendra Kumar, learned counsel for the petitioner, and of the learned Government Pleader for Social Welfare appearing for respondents 2, 3 and 5. Perused the material record.

3. The grievance of the petitioner is with regard to not providing protection to the petitioner's land in an extent of Ac.5.49 cents in R.S.No.419/1 of Antervedigudem Village, Buttaigudem Mandal, West Godavari District.

4. Learned counsel for the petitioner would submit that the subject land was acquired by the mother of the petitioner during her life time; that the said land was given to the

petitioner at the time of her marriage; that the petitioner was also given pattadar pass book in her favour in respect of the said land; that the said land was mutated in her name in the Revenue Records; that when attempts were made by some third parties to tress pass into the said land and inconvenience was caused to her in carrying out agricultural operations, a report was earlier lodged; that based on the said complaint, a case in Crime No.104 of 2015 was registered; that thereafter, the said persons and others kept quiet; that in the recent past, they again renewed their efforts to tress pass into the said land and hence, a report, dated 19.03.2018, was lodged before respondent Nos.3 to 5; and, that as no steps have been taken so far, the present writ petition is filed.

5. Learned Government Pleader for Social Welfare would submit that the petitioner is required to establish the pleaded case before the authority concerned by filing a representation to obtain orders in her favour.

6. Learned counsel for the petitioner brings to the notice of this Court the order, dated 29.03.2018, passed by this Court in W.P.No.2139 of 2018 and also the order, dated 28.09.2012, passed by a Division Bench of this Court, in W.A.No.1218 of 2012, wherein a direction was given to the appellants in the said writ appeal to approach the appropriate authority i.e., Revenue Divisional Officer for appropriate relief, as the said authority has already passed an order in the matter.

7. Recording the submissions, the Writ Petition is disposed of directing the third respondent herein to consider the representation, dated 19.03.2018, of the petitioner and take an appropriate decision in the matter in strict accordance with the procedure established by law, however, after providing an opportunity of hearing to the persons, if any, concerned with the subject land. It is made clear that the third respondent shall be at liberty to examine the merits on the limited aspect of the matter, if necessary, by directing the petitioner to establish the pleaded facts in the representation, dated 19.03.2018. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

Date: 03.04.2018
va

M. SEETHARAMA MURTI, J

