

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.Nos.9896 & 9897 OF 2006

COMMON ORDER

Since the issue involved in both the writ petitions is one and the same, they are being disposed of by this common order.

Both the writ petitions are filed seeking to issue a writ of Mandamus declaring the action of the respondents in trying to take forcible possession and interfering with the peaceful enjoyment of the petitioners over the land admeasuring Ac.4.36 gunatas in Sy.Nos.283/3, 283/2 & 283/4, & Ac.2.01 guntas in Sy.No.283/38 situated at Abdullapur Village, Hayathnagar Mandal, Ranga Reddy District respectively, as arbitrary and illegal and consequently to direct the respondents not to disturb the peaceful possession and enjoyment of the petitioners, without following due process of law.

Heard Sri K.Durga Prasad, learned counsel appearing for the petitioners, learned Government Pleader for Revenue appearing for the respondents.

Learned counsel appearing for the petitioners contends that the petitioners herein were granted pattas by the State Government and they are in possession and enjoyment of the said lands as pattadars. Learned counsel further contended

that the respondent-authorities also issued pattadar pass books in favour of the petitioners; that the respondents had conducted survey during 2006 and are trying to interfere with their possession without cancelling pattas granted in their favour; that in those circumstances, the petitioners have approached this Court and this Court granted interim direction as prayed for on 23.5.2006 in both the writ petitions and the same reads as under:

“The petitioners states that they have been assigned an extent of Ac.4.36 guntas of land in Survey Nos.283/2, 3 and 4 of Abdullapurmet Village, Hayathnagar Mandal and were issued pattedar pass books etc. They complain that no proceedings have been initiated against them by the respondents and that they are sought to be dispossessed.

Even assuming that the petitioners have violated any conditions of assignment, the respondents are under obligation to follow the procedure before taking any steps against the petitioners. Hence, there shall be interim direction as prayed for.”

Learned Government Pleader for Revenue appearing for the respondents submits that the petitioners had violated the patta conditions and that the pattas granted in favour of the petitioners are liable to be cancelled.

After hearing the rival submissions made by the learned counsel on either side, this Court is of the view that ends of

justice would be met, if the writ petition is disposed of directing the respondents to follow due process of law.

Accordingly, both the Writ Petitions are disposed of directing the respondents to follow due process of law, if they intend to dispossess the petitioners from the land in question.

No costs.

Miscellaneous petitions, if any, pending shall stand closed.

2nd February, 2018
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JUSTICE ABHINAND KUMAR SHAVILI