

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

Writ Petition No.10960 of 2018

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioners seeking verbatim the following relief/s:

‘...to issue appropriate writ or order or direction more particularly one in the nature of the writ of mandamus declaring the action of the 3rd respondent in seeking to dispossess the petitioners 1 to 4 from an extent of Ac.5.00 cents each in Sy.No.63/P, the 5th petitioner land from an extent of Ac.2.07 cents in Sy.Nos.28/2 and 28/3, the 6th petitioner land from an extent of Ac.2.00 cents in Sy.No.28/2 and 28/3, the 7th petitioner land from an extent of Ac.1.75 cents in Sy.No.54/1 and the 8th petitioner land from an extent of Ac.0.47 ½ cents in Sy.No.54/2 and Ac.4.00 cent in Sy.No.54/1 situated in Lakshmipuram Village, Yetapaka Mandal, East Godavari District without issuing any notice or initiating any proceedings under Land Transfer Regulations as wholly illegal, arbitrary and in violation of Art.14, 21 and 300A of the Constitution of India and consequently direct the 3rd respondent not to dispossess the petitioners from their respective lands mentioned above without following due process of law in the interest of justice and to pass such other order or orders as this Hon’ble Court may deem fit and proper.’

I have heard the submissions of the learned counsel for the petitioners and of the learned Government Pleader appearing for the respondents.

The case of the petitioners is this: - 'They are having different extents of lands in different survey numbers in Lakshmipuram Village. All the said lands are in Scheduled Area of East Godavari District. The petitioners are non tribals. The 3rd respondent and his office subordinates are coming to the subject lands of the petitioners and orally instructing them not to enter into and cultivate the said lands. The petitioners, therefore, apprehend dispossession illegally from their subject lands. Hence, the writ petition is filed.'

Learned Government Pleader, on oral instructions, would submit that since the land is admittedly in a tribal area, the Tahasildar is entitled to proceed as per regulations and evict the petitioners from possession of the subject lands and that, therefore, the writ petition is not maintainable.

Having regard to the facts and submissions, the Writ Petition is disposed of directing the respondents to maintain *status quo* with regard to the possession of the petitioners over the subject lands till an appropriate legal proceedings are initiated, if necessary, in respect of the said lands. However, this order will not preclude the respondents from proceeding in accordance with the procedure established by law.

There shall be no order as to costs.

Miscellaneous petitions, pending if any, shall stand closed.

M. SEETHARAMA MURTI, J

03.04.2018

Vjl