

HON'BLE SRI JUSTICE S.V. BHATT

W.P. No.5308 OF 2008

ORDER:

Heard learned counsel for the petitioners.

The prayer reads thus:

“...Writ of Mandamus declaring the action of the 1st respondent as permitted by the respondents 2 and 3 in seeking to evict the petitioner from the schedule property in Sy. No. 471/2 to extent of Ac 0-55 cents at Giddaluru Village Giddaluru Mandal, Praksham District as illegal, arbitrary, contrary to law, unlawful, violative of Articles 14, 19, 21 and 300-A of Constitution of India and consequently direct the respondents not to interfere with the petitioner's possession and enjoyment of the property in Sy. No. 471/2 to extent of Ac 0 55 cents at Giddaluru Village Giddaluru Mandal, Praksham District...”

The 1st petitioner died during the pendency of the writ petition. Her son is brought on record as petitioner No.2.

The grievance of petitioners is that respondent No.1 is trying to evict the petitioners from an extent of Ac.0.55 cents in Survey No.471/2 of Giddaluru Village and Mandal, Prakasam District without issuing any notice, as illegal and unconstitutional.

The contention of petitioners is that the subject matter of writ petition stands in the name of 1st petitioner's father in revenue records and that they are in continuous possession of the same. The respondents have neither issued any notice to petitioners nor passed any orders claiming that the land belongs to Government.

The respondents filed counter affidavit stating that the subject matter of writ petition is classified as 'Kunta Poramboke' and that the petitioners have no right or title over the subject matter of writ petition.

I have perused the record. Having regard to the facts and circumstances of the case, this Court is of the view that the issues raised cannot be decided by invoking the writ jurisdiction. Hence the writ petition is dismissed by granting liberty to establish right, title and possession before the appropriate Court/authority. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V.BHATT, J

Date:31.07.2018

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