

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.17470 OF 2018

ORDER:-

This writ petition is filed seeking to issue a writ of Mandamus declaring the action of respondent Nos.2 and 3 in trying to dispossess the petitioner and his family members from the land of an extent of Acs.26.10 cents in old Sy.No.180, which correlates to new Sy.No.174 of Kapuluppada village of Bheemunipatnam Mandal, Visakhapatnam District, and also from the dry land of an extent of Ac.1.15 cents in Sy.No.142/2 of Madhurawada Village of Visakhapatnam Rural Mandal, without following due process of law, pending consideration of the representation before the Settlement Officer-cum-Joint Collector and Assistant Director, Survey and Land Records, as illegal and arbitrary and consequently to direct respondent Nos.2 and 3 not to dispossess the petitioner and his family members from the subject lands without following due process of law.

Heard Sri L. Ravi Chander, learned Senior Counsel appearing for Sri E.V.V.S. Ravi Kumar, learned counsel for the petitioner, and Sri S. Laxminarayana Reddy, learned Standing Counsel for respondent No.2 – Corporation.

It has been submitted by the learned Senior Counsel that the petitioner and his family members are in enjoyment of the land of an extent of Acs.26.10 cents in old Sy.No.180, which correlates to new Sy.No.174, of Kapuluppada Village of Bheemunipatnam Mandal, Visakhapatnam District, and the respondents are trying to dispossess the petitioner from the said property. It has been further submitted that even though in the main writ petition, the

petitioner claimed the land of an extent of Ac.1.15 cents in Sy.No.142/2 of Madhuravada Village, but while arguing the case, the claim in the said property is given up. It is also submitted that without following the due process of law, the respondents are trying to interfere with and dispossess the petitioner and his family members from the land of an extent of Acs.26-10 cents.

Sri S. Laxminarayana Reddy, learned Standing Counsel, has contended that the 2nd respondent has not initiated any proceedings to dispossess the petitioner from the subject land and if they intend to do so, they will follow the due process of law.

Having considered the rival submissions, without expressing any opinion on merits of the case, the writ petition is disposed of directing the respondents not to interfere with the peaceful possession of the petitioner and his family members over the land of an extent of Acs.26-10 cents in old Sy.No.180, which correlates to new Sy.No.174 of Kapuluppada Village, Bheemunipatnam Mandal, Visakhapatnam District, without following due process of law. There shall be no order as to costs.

Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 17.05.2018

v v