

HON'BLE SRI JUSTICE S.V. BHATT

W.P. No.18631 OF 2018

ORDER:

The petitioners pray for the following relief:"

"...Writ of Mandamus, declaring the action of the respondents 3 and 4 in interfering with the peaceful possession and enjoyment and trying to dispossess the petitioners from their lands in Sy No 182/1-A, an extent of Ac 1 00 cents and in Sy. No. 183/B, an extent of Ac 0.65 Cents, total an extent of Ac 1.65 Cents, situated at Kallur Village Fields, Kallur Mandal, Kurnool District which is ancestral property, partitioned among the petitioners by partition deed document No 11389/2017 dated 29.11.2017, duly enclosing pattadar passbooks and title deeds issued in favour of petitioners vide patta No. 838, 839 and 840 respectively, by issuing the notices dated 14.05.2018 and 22.05.2018, by the 3rd respondent, which is illegal, arbitrary, unjust and Constitutional Rights guaranteed to the petitioners under Articles 14, 16 and 21 of the Constitution of India, without jurisdiction and in violation of principles of natural justice and consequently direct respondents 2 to 4 not to interfere with peaceful possession and enjoyment and dispossessing the petitioners in respect of lands in Sy. No. 182/1A, an extent of Ac 1.00 cents and in Sy. No. 183/B, an extent of Ac 0.65 Cents, total an extent Ac 1.65 Cents situated at Kallur Village Fields, Kallur Mandal, Kurnool District, with all consequential benefits or otherwise petitioners will suffer serious finance loss and great hardship..."

The learned Assistant Government Pleader by referring to written instructions of even date submits that there is so much litigation vis-à-vis Survey No.182. The instructions further refer to the classification of a portion of land as 'Road' and rest of it as 'dotted'. It is further stated that no one is in possession of the subject matter

of writ petition. Therefore, considering prayer and protecting possession would amount to pre-judging the issues.

Mr.Siva Sankar vehemently opposes each one of the submissions made by respondents. He places strong reliance on the annexures filed along with the writ petition and contends that the possession of petitioners ought not to have been disturbed. He, no doubt, submits that against the orders of Revenue Divisional Officer or independently under Section 9 of the A.P. Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act'), the petitioners ought to be given an opportunity to establish their entitlement, right and possession before the District Collector. Therefore, he alternatively submits that liberty may be given to petitioners to approach the District Collector for appropriate reliefs including the relief available under Section 9 of the Act against maintenance, continuation of revenue records etc.

The petitioners are given liberty to approach the 2nd respondent along with the copy of this order for suitable reliefs including one available under Section 9 of the Act within four weeks from today. The District Collector/2nd respondent considers examining the entire record by keeping in view the ratio of this Court in *Kuruva Hanumanthamma v. State of A.P.*¹ and passes orders within three months thereafter. The parties are directed to maintain status-quo as regards possession and physical features of property for a period of two months. If necessary, the petitioners can obtain further orders before the District Collector.

¹ 2017 (6) ALT 449

The writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V.BHATT, J

Date: 11.06.2018
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