

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.18814 of 2018

ORDER:

The petitioners pray for the following relief :-

“.... to issue a writ of mandamus declaring the action of the respondents 4 and 5 in interfering and directing the petitioners not to enter into the petitioners land in Sy.No.454-1 to an extent of Ac.5-03 cents, in Sy.No.471-2 to an extent of Ac.4-98 cents, in Sy.No.471-3 to an extent of Ac.5-01 cents in Sy.No.454-2 to an extent of Ac.2-55 cents and in Sy.No.479-1 to an extent of Ac 1-84 cents situated at Kandukuru Village, Anantapuramu Rural Mandal, Anantapuramu District, without issuing any notice, without assigning any valid reasons, without following any procedure is illegal and arbitrary and consequently direct the respondents 2 to 5 not to interfere into the peaceful possession and enjoyment of above subject lands and also not to create any third party interest in respect of above subject lands...”.

On 08.06.2018, at request of Assistant Government Pleader, time was granted to get instructions from respondents.

The Assistant Government Pleader referring to written instructions dated 07.06.2018 submits that alienation of petition land either in favour of petitioners or their predecessors-in-interest attracts the prohibition prescribed under Act 9 of 1977. Therefore, the possession of petitioners is illegal and unauthorized.

Mr.N.Aswartha Narayana submits that the assessment on which the respondents are proceeding is unavailable, inasmuch as the respondents cannot conclude by referring to entries in RSR as series of sale transactions prior to 1954 are available and in the

instant writ petition, the grievance is limited to illegal and unauthorized interference without recourse to law. He further states that the 4th respondent if chooses to issue notice, the petitioners reserve their right to file detailed objections in fact and law.

I have referred to rival contentions. Since the possession of petitioners is not disputed, the respondents are required to follow the procedure stipulated by law, issue notice to petitioners, conduct enquiry, pass orders and thereafter interfere with possession. Therefore, the interference before passing orders etc., is illegal.

Hence, the respondents are directed not to interfere with or disturb possession of petitioners of petition land except in accordance with law.

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

Miscellaneous petitions, if any, pending, shall stand closed.

Dt: 21-06-2018
Prv

S. V. BHATT, J

