

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

W.P.NO.20199 OF 2007

ORDER:

This writ petition is filed, seeking to declare the action of the respondents in allotting house sites in Sy.No.122/12, situated in Mamidipalem Village, Prakasam District and laying internal roads and erection of electrical poles and supply of power as arbitrary, illegal, unconstitutional and set aside the same and consequently direct the respondents to protect the interest of the original assignees of the land.

2. During the course of arguments, Sri Sudhakar, learned counsel appearing on behalf of Sri Palle Nageswara Rao, learned counsel for the petitioner submits that the first petitioner died and the writ petition is dismissed against him as no legal representative of first petitioner were brought on record. The other petitioners are pursuing the writ petition and prayed to allow the same.

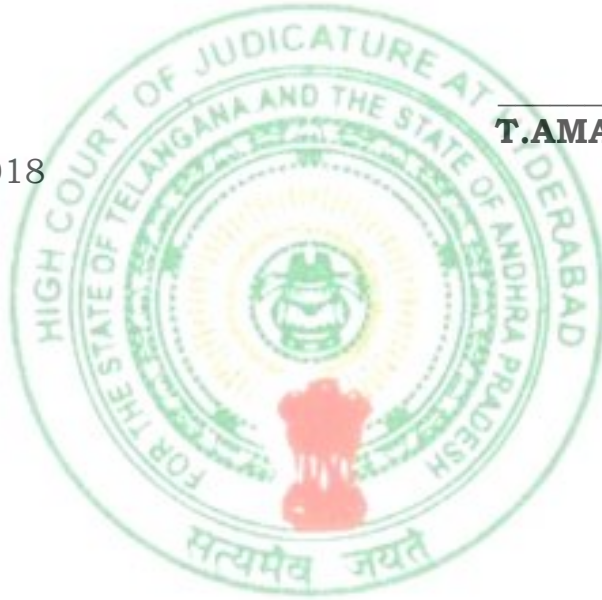
3. It is not in dispute that even according to the respondents, the petitioners are in possession of the lands by virtue of pattas granted in their favour way back in the year 1970. The said lands underwent series of disputes and also faced the proceedings under Section 145 of Criminal Procedure Code and petitioners earlier filed writ petitions and finally, now when the matter came up for disposal, it is stated that without issuing any notice, the respondents tried to dispossess the petitioners from their lands.

4. Heard.

5. The respondents admitted in their counter that the petitioners are in occupation of the subject lands and therefore, balance of convenience is in favour of the petitioners in view of their long standing possession since 1970 and the said fact is not disputed by the Government.

6. Accordingly, without going into the other issues, this writ petition is disposed of, directing the respondents not to dispossess the petitioners without following due process of law. No order as to costs. As a sequel, the miscellaneous petitions pending if any shall stand closed.

Date: 20-09-2018
Shr



T.AMARNATH GOUD,J