

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.20672 of 2018

ORDER:

Heard Ms.D.Sandhya holding for Mr.R.A.Chary for petitioner and the Assistant Government Pleader for Revenue.

The petitioner prays for the following relief :-

“....to issue a Writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS, declaring the action of the respondents in interfering with the possession of the petitioner over the land to an extent of Ac.4-00 in Sy.No.123/4 situated at Kamanuram, Karimnagar Mandal and District without following the due process of law is illegal, arbitrary, unconstitutional, contrary to law and consequently direct the respondents not to interfere with the possession of the petitioner over the land to an extent of Ac.4-00 in Sy.No.123/4 situated at Kamanuram Karimnagar Mandal and District without following the due process of law....”.

The Assistant Government Pleader submits that alienation of petition land either in favour of petitioner's husband or his predecessor-in-interest attracts the prohibition prescribed under the Act 9 of 1977. Therefore, the possession of petitioner is illegal and unauthorized.

Ms.D.Sandhya submits that the conclusion on which the respondents are proceeding is unavailable, inasmuch as the respondents cannot conclude by referring to the nature of land as Lavani Patta, because the husband of the petitioner purchased the petition land through the registered sale deed in the year 2000, there is no condition of non-alienability etc., and in the instant writ

petition, since the grievance is limited to illegal and unauthorized interference without recourse to law, the petitioner reserves her right to file detailed objection in fact and law, as and when the 4th respondent chooses to issue notice.

I have referred to rival contentions. The possession of petitioner of subject matter is not disputed. Therefore, the respondents are required to follow the procedure stipulated by law for resumption of land by issuing notice to petitioner, conduct enquiry, pass orders and thereafter interfere with possession. Therefore, the interference with petitioner's possession before passing orders etc., is illegal.

Hence, the respondents are directed not to interfere with or disturb possession of petitioner 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.

S. V. BHATT, J

Dt: 21-06-2018
Prv

