

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.16798 OF 2007

ORDER

This writ petition is filed seeking to issue a Writ of Mandamus declaring the action of the 3rd respondent in issuing notice *vide* proceedings in ROCB/176/2007, dated 9.6.2007 depriving the right of the petitioners over their lands and trying to dispossess them without following due process of law as illegal, arbitrary and violation of principles of natural justice.

It is the case of the petitioners that they were granted pattas to an extent of Ac.1.50 cents to 1.89 cents in Sy.Nos.218/2, 218.4, 218.3, 218.6, 218.5, 218.7, & 218.8, in Thottambedu Village, Tirupathi, Chittoor District, for cultivation, way back in 1999 and since then, they are eking out their livelihood by carrying on agricultural activities in the said lands. While the matter stood thus, the respondents had issued a notice on 3.6.2007 intending to dispossess the petitioners from the said assigned lands on the ground that the said land would be distributed to the landless poor towards house sites. The petitioners herein had submitted an application on 18.7.2007 objecting their dispossession from the said lands and pleaded that they should not be dispossessed from their agricultural lands because agricultural activity is the only source of their livelihood. Thereafter, the respondents have not passed any orders thereon. Without passing any orders and without following due process of law, the respondents are trying to

dispossess the petitioners and therefore, the present writ petition is filed.

While admitting the writ petition, on 7.8.2007, this Court granted interim direction as prayed for. The petitioners have sought interim direction not to dispossess them from their agricultural lands in Thottambedu Village, Tirupathi, Chittoor District, pending disposal of the writ petition.

Learned counsel appearing for the petitioners submits that by virtue of the said interim orders, the petitioners are in possession of the said agricultural lands and carrying on agricultural activities.

Learned Government Pleader contends that the respondents are intending to grant house site pattas to the landless poor in the lands assigned in favour of the petitioners by cancelling their assignment. He further contends that resumption orders were passed by the competent authority on 15.7.2007 itself and thereafter, the petitioners have submitted the explanation on 18.7.2007.

Be that as it may, now 10 years have elapsed from the date of filing of the present writ petition. Hence, this Court is of the considered view that without following due process of law, the respondents cannot dispossess the petitioners from their agricultural lands. If the respondents intend to acquire the said land for public purpose, they are at liberty to do so by following

due process of law, if necessary by invoking the provisions under the land acquisition act.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

21st March, 2018

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