

HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

Writ Petition No.3627 of 2012

ORDER:

The petitioners seek writ of Mandamus declaring the action of respondents in interfering with petitioners possession and enjoyment of the land in an extent of Ac.10-00cts in Sy.No.159/6 of Nadikudi Village, Dachepalli Mandal, Guntur District, as illegal, arbitrary and contrary to law and pass such other orders, which is deemed fit.

2) The petitioners' case in brief is that they are the owners of different parcels of land in Sy.No.159/6 of Nadikudi village, Dachepalli Mandal, Guntur District. The 1st petitioner got Ac.3-00cts of property in Sy.No.159/6 situated in Nadikudi village, Dachepalli Mandal, through his wife which was given to her as Streedhana property by her parents. 2nd petitioner is owner of land admeasuring Ac.2-00cts in Sy.No.159/6, which he got in a partition from his mother and the said property is their ancestral property. 3rd petitioner is owner of land admeasuring Ac.3-00cts in Sy.No.159/6 which she got the same by virtue of oral partition with her mother-in-law and the said property is the ancestral property. 4th petitioner is the owner of land admeasuring Ac.3-00cts in Sy.No.159/6 which she got from her husband after his demise and the said property is the ancestral property of her husband. The office of the 1st respondent entered the names of the petitioners in the concerned revenue records showing the petitioners as owners of the respective lands. They are paying the cists and enjoying the property. The entire land in Sy.No.159

which was later sub-divided, is a private land and Government has no right or title over the said land. However, the 4th respondent is proclaiming that he is going to file criminal case and arrest the persons, who are in possession of the schedule property in question as they got instructions from their revenue officials. The respondents have no right to proceed against the petitioners illegally and arbitrarily.

Hence the writ petition.

3) Respondent No.2 appeared and filed counter. The substance of which is that the schedule property is not a Government land and it is classified in the village records as patta land. The writ petitioners do not have any title over the present schedule property but they got pattadar passbooks and ownership certificates in respect of the schedule property with the collusion of the Retired Mandal Revenue Officers, Dachepalli and former Village Revenue Officer, Nadikudi and got loans from the local banks. It is further contended in the counter that a direction has been issued to the RDO, Narsaraopet and Sub-Divisional Police Officer, Gurazala for initiation of criminal action against those persons, who involved in issuing fake pattadar passbooks and title deeds and who obtained such fake documents and enjoying the lands. However, the respondents never entered into the present schedule property so far and the criminal action initiated in respect of the land in Sy.No.159/6 was withdrawn as the said property is recorded as a patta land owned by real pattadars i.e, other than the present petitioners and action will be continued against the culprits in Sy.No.756 (old Sy.No.66/2A/A). The

2nd respondent thus prayed to dismiss the writ petition as the criminal action was withdrawn on 07.03.2012 relating to the land in Sy.No.159/6 as it is a patta land.

4) When the matter came up for hearing, learned Government Pleader for Revenue (Andhra Pradesh) would submit that in respect of those persons, who are in illegal occupation of the lands by obtaining fake pattadar passbooks and title deeds with the connivance of some retired revenue officials, criminal proceedings are going on and so far as the present petitioners are concerned, since the land in Sy.No.159/6 is recorded as private patta lands, criminal proceedings were dropped and therefore, no further orders are required in the writ petition.

5) Learned counsel for petitioners prayed that let the respondents may not interfere with their peaceful possession and enjoyment of the patta lands in Sy.No.159/6 without following due process of law.

6) In view of the above respective submissions, this Writ Petition is disposed of directing respondents not to interfere with the possession and enjoyment of the petitioners in respect of lands in Sy.No.159/6 of Nadikudi village, Dachepalli Mandal, Guntur District, without following due process of law. No costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

U. DURGA PRASAD RAO, J

Date: 10.09.2018
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