

HON'BLE SRI JUSTICE S.V. BHATT

W.P. No.12259 OF 2017

ORDER:

Heard Mr.Anjaneyulu for petitioners and the learned Assistant Government Pleader for respondents.

The petitioners pray for Mandamus declaring the action of respondents in trying to interfere with petitioners' peaceful possession and enjoyment of plots in Survey No.336, Peddanindrakolanu Village, Nidamaru Mandal, West Godavari District without recourse to law, as illegal, arbitrary and unconstitutional.

The petitioners refer to assignment of two cents in Plot No.36 in Survey No.336, Peddanindrakolanu Village vide Roc/HSA/A/2/97 F1407 dated ...-11-1997. The patta is in favour of 1st petitioner. Petitioner Nos.2 and 3 claim to be in possession and enjoyment of some extent in Survey No.336. Hence, the writ petition complaining interference with the possession of petitioners without recourse to law.

On 21.04.2017, this Court granted status quo as on 21.04.2017 to be maintained by parties.

The Tahsildar/respondent No.3 filed counter affidavit and submits that the 1st petitioner alone has assignment. The petitioners 2 and 3 are encroachers of Cheruvugattu in Survey No.332/1 in the same village. It is further stated by referring to the house-site patta stated above, the petitioners are residing in Survey No.332/1 which is Cheruvugattu. The answering respondents deny grant of patta in

Survey No.332/1 to any one including the 1st petitioner. Respondent No.3 filed a few annexures to show the enjoyment of the land by petitioners.

Prima facie, this Court is of the view that the petitioners are seeking protection of enjoyment of land in Survey No.332/1 by referring to a house-site patta granted in R.S. No.336 of Peddanindrakolanu Village. The petitioners cannot seek protection by referring to house-site patta granted in Survey No.336 and protect their possession which is otherwise unauthorised in Survey No.332/1, but fact of the matter is the respondents admit possession of petitioners in Survey No.332/1. Therefore, the writ petition is disposed of by directing respondents not to dispossess the petitioners of their enjoyment either in Survey No.336 or Survey No. 332/1 of Peddanindrakolanu Village except in accordance with law.

No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V.BHATT, J

Date:26.04.2018

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