

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.29102 OF 2018

ORDER:

The present writ petition came to be filed seeking to declare the action of the 4th respondent in frequently interfering with the peaceful possession and enjoyment of the petitioners and giving frequent threats and causing hindrance to the petitioners for entering into their respective lands admeasuring Ac.3.05 cents situated at D.No.480/13-1, Ac.1.25 cents situated at D.No.286 of the 1st petitioner, agricultural land admeasuring Ac.1.70 cents situated at D.No.227/A2B of the 2nd petitioner and agricultural land admeasuring Ac.2.14 cents situated at D.No.529 of the 3rd petitioner, situated at Muppalla Village, Ipur Mandal, Guntur District, as illegal and arbitrary.

The grievance of the petitioners is that they are the absolute owners and possessors of the above said properties and their names have been mutated in the revenue records and the 4th respondent-Tahsildar has issued pattadar passbooks and title deeds in their favour in respect of the subject lands. The petitioners are in physical possession and enjoyment of the same. While things stood thus, when some belonging to the same village of the petitioners, tried to interfere with the peaceful possession and enjoyment of the subject lands, the petitioners 1 to 3 filed O.S.No.119 of 2016, O.S.No.145 of 2016 and 120 of 2016 on the file of the Junior Civil Judge, Vinukonda seeking perpetual injunction and all the three suits were decreed in favour of the petitioners vide judgment and decree dated 29.11.2016 and no appeals are filed by the defendants therein. It is further stated that the defendants in the above said suits, having realized that they cannot do any thing against the petitioners started instigating the 4th respondent-Tahsildar, to dispossess the petitioners from their respective lands without having any right or authority in law. The petitioners have also got issued a legal notice dated

23.7.2018, calling upon the respondents 2 to 4 herein not to interfere with the peaceful possession and enjoyment of their lands. Even though the respondents 2 to 4 received the said legal notice issued by the petitioner, did not stop their attempts in trying to interfere with the lands of the petitioners.

When the matter is taken up for hearing, the learned Government Pleader for Revenue placed on record the written instructions stating that the above lands were purchased under Land Purchase Scheme for the benefit of 14 Scheduled Caste Landless Agricultural Labourers of Muppalla Village in 1998 and the above said lands were registered to the 14 beneficiaries in 1999. It is also stated that the possession of the same was also handed over to the beneficiaries on the date of registration of the sale deed itself. While things stood thus, the names of the beneficiaries were not included in Web land. Sri Kancheti Chandra Rao, S/o. Venkateswarlu and two others names continued in the Web land. The beneficiaries approached the Tahsildar, Ipur for incorporating their names in the Web land Adangal as the lands were granted to them under Land Purchase Scheme by the D.S.C.S.C.S Limited, Guntur. At the time of incorporating the names of beneficiaries in Web land record, the petitioners surfaced with an order of permanent injunction.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the 4th respondent-Tahsildar, to follow due process of law, before taking any steps to dispossess the petitioners from the subject lands.

With the above direction, the writ petition is disposed of. No order as to costs. As a sequel to disposal of the writ petition, WP.M.Ps if any pending shall stand closed.

C. PRAVEEN KUMAR, J

Dated:20.08.2018.
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