

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 30460 of 2018

ORDER:

The present writ petition came to be filed seeking a writ of mandamus declaring the action of the 3rd respondent in trying to dispossess the petitioners from the land admeasuring Ac.0.20 cents in Sy.No. 158/ 1 (Ru), Kommadi Village, Madhurawada Mandal, Visakhapatnam District, without following the due process of law, as illegal, arbitrary and unconstitutional.

2. The averments in the affidavit filed in support of the petition would show that originally, the subject land belonged to one S.Mallaiah, who sold the property in favour of the mother of the petitioners by name Madisi Lurthu Ratnam, vide registered sale deed dated 22.09.1986. It is also stated that the mother of the petitioners raised a shed in the above land and then the Kommadi Gram Panchayat allotted door number to the premises, vide 2-6 in Assessment No. 159/ 14. On 17.11.2006, the mother of the petitioners expired, and the petitioners, being her legal representatives are in possession of the subject land. While matters stood thus, on 09.08.2018, the 3rd respondent, along with his staff, came to the subject site and asked the petitioners to vacate

the premises. Challenging the action of the 3rd respondent, the present writ petition came to be filed.

3. The learned Government Pleader placed on record the written instructions received from the Office of the Tahsildar, Visakhapatnam Rural, stating that the land in occupation of the petitioners is a government land and is classified as "AWD". It is also stated that the petitioners have no documents to show their right/title over the subject land. However, they admit that since it is government land, action would be initiated as per law.

4. Having regard to the facts and circumstances of the case, the present writ petition is disposed of with consent, at the admission stage, directing the 3rd respondent to follow due procedure of law before evicting or dispossessing the petitioners from the subject land. There shall be no order as to costs.

5. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

28.08.2018
DMG