

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.32289 of 2018

ORDER:

1) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action on the part of the respondents in interfering with the peaceful possession of the petitioners in respect of their agricultural land admeasuring Ac.3.07 gts., in Sy.No.7, situated at Kyatanpally Shivar, Mandamarri Mandal, Mancherial District, without following due process of law, as illegal and unlawful.

2) The petitioners herein claim to be the legal heirs of pattadar and as on today they are cultivating the land. It is said that the father of the petitioners is the original owner. The land was assigned to the father of the petitioner by name Dorishetty Lingaiah on 08.11.1978. In the year 2008 the father of the petitioners died and since then the petitioners have been cultivating the said land as legal heirs. Since the names of some third persons are being shown in the revenue records, representations came to be made for correction of entries. In spite of representations, no action has been taken and now the respondents are trying to interfere with the peaceful possession and enjoyment of the petitioners. It is said that on 18.06.2018 and 22.06.2018 the respondents came

to the land and tried to dispossess the petitioners from the land. Challenging the same, the present Writ Petition came to be filed.

3) The learned Government Pleader for Revenue (TG) would submit that the petitioners are not in possession of the land, as such protecting them or directing the respondents not to interfere with their possession would not arise.

4) A perusal of the written instructions would show that as per pahani for the year 1994-95 the name of the father of the petitioner was recorded in pattadar column and the name of Macha Mallaiah was recorded in cultivation column. Subsequently, in the year 2000-2001, the name of the father of the petitioner was recorded in pattadar column and the name of Macha Mallaiah was recorded in cultivation column. In the year 2001-02, the extent of land was sub-divided and the name of Macha Mallaiah was recorded in pattadar column and in cultivation column to an extent of Ac.0.22 gts., and the name of Smt. Macha Laxmi was recorded in pattadar column and also in the cultivation column to an extent of Ac.1.05 gts., and the land to an extent of Ac.1.20 gts., was recorded as Khariz Khata.

5) Having regard to the above, there lies a dispute as to whether the petitioners are in possession of the land. If the

petitioners are in possession of the property referred to above as claimed by them, the respondent-authorities shall not dispossess them without following due process of law.

6) With the above direction, the Writ Petition is disposed of. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

12.09.2018
gkv



JUSTICE C. PRAVEEN KUMAR