

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.32642 of 2018

ORDER:

- 1) Heard learned counsel for the petitioners and Government Pleader for Revenue (AP). With the consent of both the parties, the writ petition is taken up for disposal at the admission stage itself.
- 2) The present writ petition came to be filed seeking issuance of writ of mandamus to declare the action of the respondents in trying to dispossess the petitioners from their house sites to an extent of Ac.0.02 cents in plot Nos. 3, 4, 17, 18, 22 and 48 respectively in Sy.No.246 of Vedantapuram Village, Tirupati Rural Mandal, Chittoor District, without following due process of law, as illegal, arbitrary and violative of principles of natural justice.
- 3) At the time when the matter is taken up for hearing, the Government Pleader for Revenue placed on record the written instructions received by him, wherein it is stated that the land in Sy.No.246 admeasuring Ac.2.91 cents is classified as "Kalva Poramboke" as per village accounts and that the same is not available to the Mandal Revenue Officer for allotment of house site pattas without ordering for a change in the classification. It is said that, none of the petitioners or any other person is in possession of the land, which is disputed by the learned counsel for the petitioners stating that pattas were given to the

petitioners and copies of the same are filed along with the writ petition.

4) A perusal of the material on record would show that earlier in W.P.No.551 of 2015, this Court directed the authorities not to interfere with the possession of the petitioner therein without following due process law, in respect of the very same land. It is said that pattas are given to the petitioners, but however steps are now being taken to cancel the same since the land is classified as water course poramboke.

5) Having regard to the above, the writ petition is disposed of directing the respondent-authorities not to interfere with the possession of the petitioners in respect of the land referred to above, except in accordance with the due procedure laid down by law. No order as to costs.

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

JUSTICE C. PRAVEEN KUMAR

19.09.2018
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