

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 32772 of 2018

ORDER:

The present writ petition came to be filed seeking the following relief:

“To declare the action of the respondents in seeking to interfere with the petitioner's possession and enjoyment over his land, admeasuring Ac.1.24 cents in Survey No. 305/ 2, and an extent of Ac.1.14 cents in Survey No. 309/ 2 situated in C.L.N.Palle, Varadaiahpalem Mandal, Tirupati, Chittoor district, as illegal, arbitrary and unconstitutional.

2. The averments in the affidavit filed in support of the petition show that the petitioner purchased the subject land that was assigned in favour of Geridi Muthyalaiah, through a sale letter dated 15.11.1987, for a valid consideration of Rs.5,000/- (Rupees Five thousand only), and since then, he is in possession of the said land. Subsequently, the revenue authorities, after conducting due enquiry, cancelled the D.K.T.Patta granted in favour of Geridi Muthyalaiah and assigned land, admeasuring Ac.1.24 cents in Survey No. 305/ 2 and Ac.1.14 cents in Survey No.309/ 2 to the petitioner, vide D.K.T.No. 402/ 4/ 1408 in the year 1997. The petitioner claims to be in possession of the said property since then.

3. Learned Government Pleader, on instructions, states that as the land in question is a government land (DKT), it cannot be alienated by the DKT pattadar and any purchase of the said land is illegal. It is further stated that there is any amount of doubt with regard to the issuance of pattadar pass book, and the same has been created only with a view to grab the land.

4. A perusal of the instructions produced by the learned Government Pleader would, *prima facie*, show that the petitioner is in possession of the subject property; electrical connection was also given to the said premises, and pattadar pass book was also issued to the petitioner in the year 1997 itself.

5. Having regard to the above, the respondents are directed not to dispossess the petitioner from the subject property without following the due process of law.

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

JUSTICE C. PRAVEEN KUMAR

12.09.2018
DMG