

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.33074 of 2018

ORDER:

On the request made by the learned counsel for both the parties to treat the interim order dated 20.09.2018 as final order, the Writ Petition is posted today under the caption "for being mentioned".

2) The present Writ Petition came to be filed seeking issuance of writ of mandamus declaring the action of the 2nd respondent in deleting the names of the petitioners from online records relating to the lands of the petitioners to an extent of Ac.1.20 cents in survey No.861/2 situated at Chinakraka village, Jaladanki Mandal, SPSR Nellore District, as illegal and improper and consequently suspend the entries made by the 2nd respondent by incorporating the name of the 3rd respondent in online.

3) The grievance of the petitioners is with regard to the interference by the official respondents with the peaceful possession and enjoyment of the land (House) admeasuring Ac.0.03 cents bearing Dr.No. 1-28 situated in Sy.No.78 of Subbayammmapeta village, Gandepalli Mandal, East Godavari District. Though the petitioners herein claim to be the owners and possessors of the said land but the same is disputed by the implead petitioner(respondent No.6) stating that the petitioners have purchased an extent of 80

sq. yards of land through a registered sale deed on 22.02.1991 on Rs.5/- stamp paper and they are in possession and enjoyment of the said land. It is said that the writ petitioners are in possession of more land than what they have purchased by them. Taking advantage of the land alleged to have been assigned to the petitioner No.1, the petitioners have encroached on to some more land which belongs to the temple. It is said that when the petitioners are in possession of more land that they are entitled to, the temple committee made a complaint before the respondents 3 and 4 vide proceedings in Rc.No.222/2018 dated 10.08.2018, and respondent No.3 cancelled the patta issued in favour of the petitioners. Thereafter the respondent no.3 directed the respondent No.4 to take possession of the land excluding the 80 sq. yards alleged to have been purchased by the writ petitioners and handed over possession of the same to the 5th respondent. According to him, on 11.09.2018, the 4th respondent took possession of the land, which was encroached on to by the writ petitioners herein. Hence, pleads that the allegations of the writ petitioners that they are trying to dispossess the subject land is incorrect. She placed reliance on the panchanama prepared to show that possession of the land was also taken. But the same is disputed by the learned counsel for the petitioners stating that everything happened behind his back and that he was not even aware about the cancellation of the assignment granted to him and the

subsequent acts. According to the petitioners , they are still in possession of the property. It is further stated that they never encroached on to any land. Learned counsel for the petitioners further states that the grievance is only against the official respondents, who are trying to interfere and that if there is any interference by the unofficial respondents, he will work out his remedy elsewhere.

4) Be that as it may, as there is a claim and counter claim with regard to the possession and also to the extent of land, if the petitioners are in possession of the subject land, any action of the official respondents shall be in accordance with law.

5) With the above direction, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous Petitions, pending if any in this Writ Petition shall stand closed.

C. PRAVEEN KUMAR, J

Date: 01.10.2018

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