

**HON'BLE THE CHIEF JUSTICE
SRI THOTTATHIL B. RADHAKRISHNAN**

AND

HON'BLE SRI JUSTICE S.V. BHATT

WRIT APPEAL No.1435 OF 2018

JUDGMENT: *(Per Hon'ble Sri Justice S.V. Bhatt)*

Heard Mr. Krishna Kishore Kovvuri for appellants and the learned Government Pleader for Revenue.

The writ petitioners are the appellants. The case of appellants is that they are in possession and enjoyment of Sy.No.16/17 in K. Rampur Village, Untoor Mandal, Adilabad District. To evidence the possession and enjoyment of appellants of subject matter of writ appeal, the appellants refer to and also rely on the panchanama dated 27.06.2018 conducted by the Mandal Surveyor, Utnoor, and the Village Revenue Officer, K. Rampur. The appellants were constrained to file the writ petition apprehending dispossession at the hands of respondent Nos.3 and 4 without recourse to law. Under those circumstances, the writ petition has been filed with the following prayer:

“...to issue a Writ Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of respondents 3 and 4 in deciding the title and possession pertaining to the petitioners land to an extent of Ac.8-00 cents of Sy.No.16/17 situated in K. Rampur Village, Untoor Mandal, Adilabad District and trying to dispossess the petitioners from the above stated land without following due process of law as illegal, arbitrary, violative of Article 14, 21 of the Constitution of India, without jurisdiction and consequently direct the respondents 3 and 4 not to dispossess the petitioners from their lands in an extent of Ac.8-00 cents situated in Sy.No.16/17, K. Rampur Village, Untoor Mandal, Adilabad

District and to award costs and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

The learned Judge, substantially accepted the limited prayer and disposed of the writ petition, however at the end of the order has observed as follows:

“...if the petitioners are in possession of the same.”

Hence, the writ appeal is filed aggrieved by the said observation in the order under appeal.

We have perused the record and *prima facie* are of the view that the sentence by which the appellants are aggrieved is likely to confer discretion or enable respondents to re-visit the panchanama dated 27.06.2018. Therefore, while continuing to retain the order under appeal, we dispose of the writ appeal by deleting the expression i.e., “if the petitioners are in possession of the same.”

The writ appeal is disposed of accordingly. No order as to costs.

As a sequel, miscellaneous petitions, if any, pending shall stand closed.

THOTTATHIL B. RADHAKRISHNAN, CJ

S.V. BHATT, J

October 29, 2018.
v v