

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

Writ Petition No.41915 of 2016

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioners seeking verbatim the following relief/s:

‘... to issue a writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in threatening to dispossess the petitioner from their lands to an extent of Ac.7-08 cents in Sy.No.28/2 & 28/3 of Kommadi Village, Visakhapatnam Rural Mandal & District without following due process of law as illegal, arbitrary, unconstitutional and contrary to the land Acquisition Act, 2013 and consequently direct the respondents not to dispossess the petitioners from the above said land without due process of law and pass such other order or orders as this Hon'ble Court may deemed fit and proper in the circumstances of the case.

I have heard the submissions of Sri M. Janardhan Rao, learned counsel appearing for the petitioners, of Sri P. Jagadish Chandra Prasad, learned standing counsel representing the 2nd respondent, of the learned Government Pleader for Revenue appearing for respondents 3 & 4; and of Sri Vedula Srinvas, learned senior counsel representing Ms. S. Pranathi, learned counsel for respondents 5 & 6. I have perused the material record.

Learned counsel appearing for either side, while bringing to the notice of the Court certain averments in the counter affidavit of the 3rd respondent, submitted that, without going into the merits of the matter, the writ petition can be disposed of protecting the interests of the writ petitioners as well as the impleaded respondents 5 & 6, who are making rival claims, in the event any coercive action is taken by the official respondents in future.

It is pertinent to note that in the counter affidavit filed on behalf of the 3rd respondent, it is stated that the land pooling scheme is under purview of VUDA and that details are furnished to the Revenue Department for confirmation of title over the land in question and that the petitioners have no title over the land in question and that, therefore, the question of forceful interference with the possession of the petitioners does not arise and that no further decision is taken on land pooling scheme.

Though the petitioners' possession over the subject land is denied in the counter affidavit of the 3rd respondent and a rival claim is made by the impleaded respondents 5 & 6, in view of the submission that the decision on land pooling scheme is not yet taken, this Court is not going into the merits of the matter and is inclined to dispose of the writ petition with appropriate directions.

Accordingly, the Writ Petition is disposed of with the following directions: - 'The possession of the parties concerned over the subject land shall not be disturbed by the official respondents, except by following the procedure established by law. It is made clear that in the event any such procedure is initiated by the official respondents against the parties in possession, in future, the said parties in possession are at liberty to raise objections and pursue remedies which the law permits.'

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

M.SEETHARAMA MURTI, J

03.07.2018

Vjl