

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.43354 OF 2018

Date:30.11.2018

Between:

Kandregula Seetaram, S/o. Apparao,
Hindu, Aged 49 years, Cultivation,
Residing at D.No.2-60, Ganaparthi
Post and Village, Munagapaka Mandal,
Visakhapatnam District and others

.. Petitioners

And

The State of Andhra Pradesh, rep., by its
Principal Secretary, Panchayat Raj and
Rural Development Department,
Secretariat of A.P., Amaravathi,
Guntur District and others

.. Respondents



The Court made the following:

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ORDER:

Heard learned counsel for petitioners; learned Government Pleader for Panchayat Raj for respondents 1, 3 and 4; learned Government Pleader for Revenue for respondents 2 and 5; Sri K.K. Durga Prasad, learned Standing Counsel for Gram Panchayat for respondents 6 and 7 and learned Government Pleader for Home for respondent No.8.

2. Petitioners claim that the land to an extent of Ac.1.60 cents in Survey No.8 of Challamalla Area of Ganaparthi Village, Munagapaka Mandal, Visakhapatnam, is classified as 'gramakantam land' and they are in occupation of the same for more than 100 years. While so, the respondent – Gram Panchayat is seeking to dispossess the petitioners from the said land without following due process. This Writ Petition is filed praying to grant a declaration that the action of the respondents 2 to 7 in interfering with the petitioners possession to an extent of Ac.0.10 cents out of Ac.1.60 cents of land in Survey No.8 of Challamalla Area, Ganaparthi Village, Munagapaka Mandal, Visakhapatnam, without issuing notice and without following due process as illegal.

3. Material on record would disclose that the petitioners earlier filed O.S.No.287 of 1998 in the Court of Principal Junior Civil Judge, Anakapalle, alleging interference with their possession and to grant injunction in their favour. It appears, the said suit was dismissed for non-prosecution. Thereafter, they filed O.S.No.52 of 2014 in the same Court seeking permanent injunction restraining

the respondents from interfering with the land to an extent of Ac.1.60 cents, referred to above. In the said suit, Gram Panchayat and the Vijaya Visakha Milk Producers Company Limited are the defendants. The prayer sought was to grant permanent injunction restraining the defendants from interference. According to learned counsel for petitioners, interlocutory application seeking grant of injunction was also filed and the same is pending consideration.

4. At this stage, alleging illegal dispossession from the subject land, petitioners filed this Writ Petition.

5. As noted above, as the petitioners apprehended alleged dispossession as early as in the year 1998, they instituted O.S.No.287 of 1998, but did not prosecute the said suit. Later, petitioners filed O.S.No.52 of 2014 and the same is pending consideration.

6. Having regard to the same, the Court is not inclined to entertain the Writ Petition on the same issue, which is the subject matter of O.S.No.52 of 2014, where petitioners also filed interlocutory application seeking grant of injunction.

7. Leaving it open to the petitioners to work out their remedies in the pending suit i.e., O.S.No.52 of 2014 in the Court of Principal Junior Civil Judge, Anakapalle, the Writ Petition is dismissed. Pending Miscellaneous Petitions shall stand closed.

P. NAVEEN RAO, J

Date:30.11.2018

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