

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.901 of 2019

ORDER:

The prayer of the petitioner in this case reads as under:

“That this Honourable Court may be pleased to issue a writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents and their subordinates in trying to dispossess the petitioner by way of interfering with his peaceful possession and enjoyment over open plot Nos.88 and 89 land admeasuring 317.50 sq yards under Survey No.1686 situated at Nizamabad Shivar, Nizamabad Mandal and District, without following the due procedure contemplated under law, as illegal arbitrary, unjust, unconstitutional and violation of principles of natural justice and also in violation of Articles-14, 21 and 300A of the Constitution of India and consequently direct the respondents not to interfere with peaceful possession and enjoyment of the petitioner over the subject property without following the procedure contemplated under law and to pass such other order or orders as this Honourable Court may deem fit and proper in the interest of justice.”

The record reflects that the erstwhile Government of Andhra Pradesh issued instructions *vide* G.O.Ms.No.1147, Revenue (Assg-II) Department, dated 15.6.2005, permitting alienation of Government land admeasuring Acs.2.30 guntas in Survey No.1686 (KK) of Nizamabad Shivar for providing house sites to 105 members of the Government Drivers Association at Nizamabad on payment of market value. By proceedings dated 15.11.2010, the District Collector, Nizamabad, referred to the said Government instructions and noted that the Government Drivers Association, Nizamabad, had remitted the entire market value of Rs.36,60,250/- and that advance possession of the land in question was also handed over to the said association on 02.3.2006 and directed the Tahsildar, Nizamabad, to undertake demarcation of the delivered land under the cover of panchanama and to make necessary entries in all the revenue

records. A copy of the panchanama dated 02.12.2010 is also placed on record in evidence of the delivery of the subject land.

It appears that the petitioner herein purchased Plot Nos.88 and 89 situated in the subject land under registered sale deed bearing document No.5764/2011 dated 08.7.2011 from the Government Drivers Association, Nizamabad.

In the light of the aforestated record, it is clear that the petitioner is the lawful owner and possessor of the subject plots. That being so, there shall be a direction to the respondents not to interfere with the possession and ownership of the petitioner over the subject plots. In the event, the respondents choose to do so, they must necessarily adopt and adhere to the procedure laid down by law.

The Writ Petition is disposed of with the above directions.

Pending Miscellaneous Petitions, if any, shall stand closed in the light of this final order. No order as to costs.

22nd January, 2019

DR

JUSTICE SANJAY KUMAR