

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.18654 of 2019

ORDER:

This writ petition is filed seeking the following relief:

“... to issue a Writ order or direction more particularly one in the nature of Writ of Mandamus by declaring the action of the respondent authorities in interfering and threatening to dispossess the petitioners from their land admeasuring Ac.4-29 guntas in Sy.No.16/2 situated at Laxmipur village, Bheemini Mandal Mancherial District without issuing any notice or without following due process of law or paying compensation, as being illegal, arbitrary, violative of Articles 14, 21 and 300A of the Constitution of India besides violative of Principle of Natural Justice and consequently direct the respondents not disposes the petitioner from his land admeasuring Ac.4-29 guntas in Sy.No.16/2 situated at Laxmipur village, Bheemini Mandal, Mancherial District and pass...”

It is the assertion of the petitioner that his name was recorded in the revenue records for a long time now, and that he was also issued pattadar passbook and he is in possession of the subject land, which is now being alleged to be a forest land. The petitioner asserts that the respondent authorities, without issuing notice or conducting enquiry, are interfering with his possession of land and preventing him from cultivating his land by digging a trench around the land.

Heard learned counsel for the petitioner, the learned Government Pleader for Forests, and learned Government Pleader for Revenue.

Having considered the respective submissions, in the facts of the present case, *prima facie* the petitioner has title and possession of subject lands. Assuming that the petitioner has occupied the forest land, it would be open to the authorities to issue notice to the petitioner with a direction to vacate the land. Admittedly, as on date, as no notice was issued to the petitioner, his possession and enjoyment of the subject land shall not be interfered with except by following due process prescribed under law.

Accordingly, the writ petition is disposed of. No costs. Miscellaneous petitions, if any pending, shall stand closed.

CHALLA KODANDA RAM, J

30th August, 2019
KSM

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM



WRIT PETITION No.18654 of 2019

30th August, 2019

KSM