

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 39373 OF 2014

ORDER:

This Writ Petition is filed seeking the following relief:

“... to issue an appropriate writ, order or direction, particularly one in the nature of Mandamus, declaring the action of the respondents herein, particularly respondents 2, 3 and 5 herein, in trying to interfere with petitioners' possession and enjoyment and forcing the petitioners to vacate their land admeasuring Ac.2.23 cts. in S.No.273/365 and Ac.1.09 cts. in S.No.273/366 of Pusugudem Revenue Village, Mulakalapalli Mandal, Khammam District, as illegal, arbitrary, unreasonable, without authority of law, without taking any proceedings under law, violative of principles of natural justice and also violative of Articles 14, 21 and 300-A of the Constitution of India and issue a consequential direction to the Respondents herein not to interfere with petitioners' possession and enjoyment and not to force the petitioners herein to vacate their above said land and pass such other order or orders as are deemed fit and proper in the circumstances of the case.”

2. The main grievance of the petitioners is that the respondents, particularly, respondent Nos.2, 3 and 5, are trying to interfere with their peaceful possession and enjoyment over the subject lands. It is the assertion of the petitioners that there are civil disputes pending between the petitioners and respondent Nos.7 and 8 and on 08.08.2014, interim injunction was granted in favour of the petitioners in respect of the subject lands in I.A.No.202 of 2014 in O.S.No.321 of 2014 by the Special Assistant Agent and Sub-Divisional Magistrate,

Mobile Court at Bhadrachalam, and the same is subsisting even as on date.

3. On behalf of respondent Nos.2 to 4, respondent No.2 had submitted written instructions to the learned Assistant Government Pleader for Home, which has been placed on record. As per the written instructions, on a complaint being lodged by one Guguloth Somla Nayak (brother-in-law of petitioner No.1) with Mulakalapally Police Station, a case in Crime No.108 of 2014 was registered for the offences punishable under Sections 427, 447, 506 and 294(b) I.P.C. against one Lavudya Lachiram and five others on 04.11.2014. Finding *prima facie* case against the accused therein, including the petitioners, who are accused Nos.5 and 6, after completion of investigation, charge sheet was filed before the concerned Court and the same was numbered as C.C. No.1151 of 2014. The said C.C. is pending for trial. Except proceeding with investigation of the said case, respondent Nos.2 to 4 never interfered with the subject lands.

4. Learned Government Pleader for Revenue appearing for respondent Nos.5 and 6, on specific instructions, dated 27.12.2014, received from the Tahsildar, Mulakalapalli, Smt. Kande Rajeswari, stated that there is no interference by respondent Nos.5 and 6, as alleged and denied the allegation of interference.

5. Recording the submissions made by the learned Assistant Government Pleader for Home and the learned Government Pleader

for Revenue, making it clear that the respondents shall not interfere with the peaceful possession and enjoyment of the petitioners over the subject lands, without following due process of law, the Writ Petition is disposed of.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

February 17, 2020.
MD

