

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.4448 of 2020

ORDER

This writ petition is filed seeking the following relief:

“to issue a direction, order or writ more particularly one in the nature of Writ of Mandamus declaring the action of the respondents particularly Respondent Nos.3 and 5 in seeking to interfere in and over lands in Sy.Nos.31, 33 and 34 situated at Renukapur Village and Sy No.140 of Balapur Village and Mandal, Ranga Reddy District in the guise of conducting survey at the instance of Respondent Nos.7 and 8 herein without issuing any prior notice as being illegal, arbitrary and unconstitutional apart from being in violation of principles of natural justice and also in violation of Articles 14, 19, 21 and 300-A of the Constitution of India consequently direct Respondent Nos.3 and 5 not to interfere in and over lands in Sy.Nos.31, 33 and 34 situated at Renukapur Village, Sy.No.140 of Balapur Village and Mandal, Ranga Reddy District or conduct any survey highhandedly and without issuing any notice or considering the objections raised by the petitioners and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard learned counsel on either side.

It is the case of the petitioners that the father of petitioners 1, 2 and 7 have purchased the land to an extent of Ac.8.21 guntas in Sy.No.34 of Renukapur Village, by way of registered sale deed in 1971 and since then, they are in

possession of the same. But, the 5th respondent is taking steps to dispossess the petitioners.

Learned counsel appearing for the petitioners contended that the 5th respondent be directed not to take any coercive steps in dispossessing the petitioners from the subject land, without following due process of law.

Learned Government Pleader for Revenue appearing for respondents 1 to 5 contended that admittedly, the subject land is a private patta land and civil disputes are pending between the petitioners and the unofficial respondents. It is further contended that the 5th respondent would not take any action without following due process of law.

Learned counsel appearing for respondent No.7 contended that civil disputes are pending between the parties and the 7th respondent has conducted survey on 3.3.2020 and given notice to the petitioners. It is further contended that since the survey was already conducted, it is open for the 5th respondent to follow due process of law.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that this writ petition can be disposed of directing the 5th respondent not to dispossess the petitioners without following due process of law.

Accordingly, the Writ Petition is disposed of. No costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 04.03.2020
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