

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.17651 OF 2009

ORDER:

This writ petition is filed seeking the following relief:

“..to issue writ or direction preferably in the nature of Writ of Mandamus declaring the illegal action of the respondents and their men and staff in dispossessing petitioner from the land admeasuring 500 square yards or 418.05 square meters situated at House No.6-2-34 of Sri Krishna Nagar, Khanapuram Haveli Panchayat, Khammam Urban Mandal, Khammam District 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 for the parties.

It has been contended by the petitioner that she is the absolute owner and possessor of the land admeasuring 500 square yards or 418.05 square meters situated at H.No.6-2-34 of Sri Krishna Nagar, Khanapuram Haveli Panchayat, Khammam Urban Mandal, Khammam District. The petitioner had further contended that she has purchased the said property from her vendor in the year 1993 and her vendor has in turn purchased the property way back in the year 1976. The petitioner could demonstrate that for more than 20 years, she is the absolute owner and possessor of the said property, but her grievance is that the 3rd and 4th respondents are trying to dispossess her without following the due process of law.

Therefore, counsel for the petitioner contended that appropriate orders be passed in the writ petition directing the respondents not to dispossess the petitioner without following due process of law.

Standing Counsel as well as the Government Pleader appearing for the respondents had contended that already eviction suits have been filed against the petitioner and the respondents would dispossess the petitioner only after following due process of law and in accordance with law.

This Court, having considered the submissions of learned counsel for the parties, is of the considered view that this writ petition can be disposed of directing the respondents not to dispossess the petitioner for the subject property without following due process of law. However, it is always open for the respondents to act according to law. If there are any proceedings of eviction, the respondents are at liberty to act in accordance with such proceedings.

With the above directions, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J