

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.3590 of 2008

ORDER:

This writ petition is filed seeking the following relief :-

“....to issue any appropriate writ, order or direction more in the nature of writ of Mandamus directing the respondents not to dispossess the petitioner from the land in Sy.No.294/ 2 extent Ac.3-20 guntas situated at Kothlapur Village, Sanga Reddy Mandal, Medak District, without following due procedure under law i.e., without passing any order for resumption of the land and without payment of any compensation under the provisions of Land Acquisition Act by duly declaring the action of the respondents in making attempts to dispossess the petitioner highhandedly with the help of police even though the assignment made to the husband of the petitioner is valid and in force as on today as illegal, arbitrary and violative of Article 14 of the Constitution of India and also well settled principles of law laid down with regard to resumption of the assigned lands”.

Heard the learned counsel appearing for the petitioner, learned Government Pleader for Revenue and the learned Standing Counsel for the respondents.

It has been contended by the petitioner that her husband was assigned the land to an extent of Ac.3-20 guntas in Sy.No.294/2 of Kothlapur Village, Sangareddy Mandal, Medak District, during the year 1976 and he died about 25 years back and since then she and her family members are in possession of the said property. While so, the respondents are trying to dispossess the petitioner from the land in question without following the due process of law. Hence, she filed the present writ petition.

Learned counsel for the petitioner contended that on 22.02.2008 this Court while admitting the writ petition granted status-quo and the said status-quo order was made absolute on

29.07.2011. He further submits that as on today, the petitioner is in possession of the land in question and the respondents are trying to dispossess her on the alleged ground that her husband has relinquished his right in respect of the land in question. However, no such document is produced by the respondents. Therefore, the learned counsel submits that appropriate orders be passed in the writ petition directing the respondents not to dispossess the petitioner from the land in question without following the due process of law.

Learned Standing Counsel as well as learned Government Pleader appearing for the respondents submit that the respondents would not dispossess the petitioner from the land in question without following the due process of law and if they intend to acquire the land in question, they would initiate appropriate proceedings in accordance with law.

This Court, having considered the rival submissions, is of the considered view that this writ petition can be disposed of directing the respondents not to dispossess the petitioner from the land in question without following the due process of law.

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

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 05-02-2020
Prv

