

**THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY**

**Writ Petition No.1751 of 2020**

**ORDER:**

1. This writ petition under Article 226 of Constitution of India is filed, questioning the action of respondent Nos.3 to 5, in trying to dispossess the petitioner from an extent of Ac.20.00 cents out of total extent of Ac.53.98 cents in Sy.No.7 and 7-1C at Chintalagar, Akkavaram village, Raghunadhapuram, Tekkali, Srikakulam District, without following due process of law, declare the same as illegal, arbitrary, and violative of Articles 14, 21 and 300-A of Constitution of India, consequently direct respondent Nos.3 to 5 not to interfere with possession of petitioner from an extent of Ac.20.00 cents out of total extent of Ac.53.98 cents in Sy.No.7 and 7-1C at Chintalagar, Akkavaram village, Raghunadhapuram, Tekkali, Srikakulam District.

2. It is the case of petitioner that himself along with his family members are in possession and enjoyment of Ac.20.00 cents out of total extent of Ac.53.98 cents in Sy.No.7 and 7-1C at Chintalagar, Akkavaram village, Raghunadhapuram, Tekkali, Srikakulam District, having obtained the same by way of partition.

3. While the matter stood thus, on 13.01.2020 respondent Nos.3 and 4 came to the land, tried to dispossess the petitioner, orally stating that the land is required for issuing house site pattas to poor people. Such action on the part of respondents is illegal, arbitrary and violative of Articles 14, 21 and 300-A of Constitution of India, requested to issue direction as prayed for.

4. During hearing, the learned counsel for petitioner reiterated the contentions urged in the writ petition, whereas, the learned Assistant Government Pleader for Revenue (Assignments), fairly accepted to follow due process of law, to evict or dispossess the petitioner, requested to pass appropriate order.

5. Undisputedly, the petitioner along with his family members are in possession of Ac.20.00 cents out of total extent of Ac.53.98 cents in Sy.No.7 and 7-1C at Chintalagar, Akkavaram village, Raghunadhapuram, Tekkali, Srikakulam District, having obtained by way of partition. Even assuming for a moment, that the land is required by government, for any purpose, when petitioner along with his family members are in possession and enjoyment of land, they cannot be dispossessed or evicted, without following due process of law. Therefore, respondent Nos.3 to 5 are directed, not to dispossess the petitioner from Ac.20.00 cents out of total extent of Ac.53.98 cents in Sy.No.7 and 7-1C at Chintalagar, Akkavaram village, Raghunadhapuram, Tekkali, Srikakulam District, except by due process of law.

6. With the above direction, the writ petition is disposed. There shall be no order as to costs.

7. Consequently, miscellaneous petitions, pending if any, shall stand closed.

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**JUSTICE M. SATYANARAYANA MURTHY**

Dated 29.01.2020  
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