

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Writ Petition No.1457 of 2020

ORDER:

1. This writ petition under Article 226 of Constitution of India is filed, questioning the action of fourth respondent herein in threatening to dispossess the petitioner from his land admeasuring Ac.2.10 cents in S.No.53 situated at Siddampeta village, Bukkaraya Samudram Mandal, Ananthapuram District, at the instigation of fifth respondent, without following due process of law, declare the same as illegal, arbitrary, unconstitutional and contrary to law, consequently direct fourth respondent not to interfere with possession of petitioner from his land admeasuring Ac.2.10 cents in S.No.53 situated at Siddampeta village, Bukkaraya Samudram Mandal, Ananthapuram District.

2. It is the case of petitioner that originally the land belongs to one Chinna Marigadu @ Chinna Mareppa, who purchased the same from his vendor under registered sale deed, dated 23.01.1940 for valid consideration. After demise of Chinna Marigadu, his sons Chinna Naganna and Pedda Naganna agreed to sell the land to M. Rama Krishna under agreement of sale dated 25.09.1986. The said Rama Krishna is no other than brother of petitioner's father, the above property devolved upon father of petitioner by way of family arrangement, pattadar passbook and title deed were also issued in favour of father of petitioner. The parents of petitioner, out of love and affection, jointly executed registered gift deed in favour of petitioner vide document No.8908/2018, dated 05.08.2018.

3. While the matter stood thus, fifth respondent, making hectic efforts to dispossess the petitioner from the subject land, instigated fourth respondent, for cancellation of pattadar passbook, threatening the petitioner to dispossess, such action on the part of fourth respondent is illegal and arbitrary, requested to issue direction as prayed for.

4. During hearing, the learned counsel for petitioners reiterated the contentions urged in the writ petition, whereas, the learned Assistant Government Pleader for Revenue, contended that unofficial respondents are also to be heard, since fifth respondent is claiming right over the property, but the relief claimed in the writ petition is only against fourth respondent who is Tahsildar, Bukkaraya Samudram Mandal. therefore, no notice need be issued to fifth respondent. The learned Assistant Government Pleader for Revenue (Assignments) fairly conceded to follow due process of law, to evict or dispossess the petitioner, requested to pass appropriate order.

5. Undisputedly, the petitioner is owner and possessor of land in an extent of Ac.2.10 cents in S.No.53 situated at Siddampeta village, Bukkaraya Samudram Mandal, Ananthapuram District, having gifted by his parents, under registered gift deed dated 05.08.2018. Even assuming for a moment, the land of petitioner is required by government, for any purpose, when petitioner is in continuous possession and enjoyment of land, she cannot be dispossessed or evicted, without following due process of law. Therefore, respondents are directed, not to dispossess the petitioner from land in an extent of

Ac.2.10 cents in S.No.53 situated at Siddampeta village, Bukkaraya Samudram Mandal, Ananthapuram 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.

JUSTICE M. SATYANARAYANA MURTHY

Dated 27.01.2020
Rvk