

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION NO.2004 OF 2022

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, claiming the following relief:

“To issue writ of mandamus, declaring the action of the respondents in interfering with the peaceful possession and enjoyment of the petitioner’s land admeasuring Ac.2-57 cents in R.S.No.564-1 of Illuru Village, Gardeinne Mandal, Anantapur District, as bad, illegal, arbitrary, without jurisdiction, violative of principles of natural justice and violative of Articles 14, 21 & 300-A of the Constitution of India and consequently direct the respondents not to interfere with the petitioner’s peaceful possession and enjoyment of the subject property without following due process of law.”

The main case of the petitioner in brief is that, the land admeasuring an extent of Ac.2-57 cents in R.S.No.564-1 of Illuru Village, Garledinne Mandal, Anantapuram District along with other lands are ancestral properties of the petitioner. During the lifetime of his father, he cultivated the subject land and pattadar pass book and title deed were issued in his favour and he was in peaceful possession and enjoyment of the same.

It is submitted that the father of the petitioner died on 08.08.2017 and after his death, pattadar pass book and title deed vide Khata No.1886 were issued by the revenue authorities in the name of petitioner’s mother –P. Bala Lakshmmamma in respect of the subject property. Her name was also mutated in the revenue records. Thereafter, the petitioner’s mother executed registered settlement deed bearing document No.2090/2020 dated 03.10.2020 in favour of the petitioner. As per the settlement deed, the petitioner’s mother settled an extent of Ac.2-57 cents in

R.S.No.564-1 of Illuru Village, Garledinne Mandal, Anantapuram District in favour of the petitioner. Since then, the petitioner is in possession and enjoyment of the subject property. It is contended that the respondents are trying to interfere with the possession and enjoyment of the petitioner without following due process of law. Hence, the writ petition.

Learned Assistant Government Pleader for Revenue placed on record instructions of the Tahsildar, Garladinne in Rc.No.26/2022 dated 28.01.2022, wherein it is stated as follows:

“It is further submitted that Notices were issued to the petitioner only in view of above circumstances and notices were deliberately not issued to the petitioner. Respondents are never tried to dispossess from their lands without due process of law. The petitioner unnecessarily alleging the baseless allegations against the respondents.”

In view of the admission made by the respondent that they have never tried to dispossess the petitioner from the subject land without following due process of law, writ petition is disposed of, directing the respondents not to dispossess the petitioner without following due process of law. No costs.

Consequently, miscellaneous applications pending if any, shall also stand closed.

JUSTICE M. SATYANARAYANA MURTHY

Date:08.04.2022

SP