

**HON'BLE SMT JUSTICE M.SATYANARAYANA
MURTHY**

WRIT PETITION No. 19584 of 2021

ORDER:

The Writ Petition is filed under Article 226 of the Constitution of India claiming the following relief:

“to issue Writ, or Direction especially one in the nature of Writ of Mandamus declaring the action of the 4th respondent in trying to evict the petitioner high handedly from his property admeasuring an extent of Ac. 4.97 cents in Sy. No. 667/2A, situated in Piler village and Mandal, Chittoor District is illegal, arbitrary high handed and violation of principles of natural justice and also violation of Article 19, 21 and 300-A of the Constitution of India and consequently direct the 4th respondent to demolish / dispossess the petitioner from the property admeasuring an extent of Ac.4.97 cents in Sy.No. 667/2A situated in Piler village and Mandal, Chittoor District.

2. The case of the petitioner in brief is that he is the owner of the land to an extent of Ac.4.97 cents in Sy. No. 667/2A of Piler village and Mandal, Chittoor District and his name is mutated in the revenue records; but, a notice dated 21.8.2021 was issued in Roc. A/136/2021 by the respondent No.4 calling upon the petitioner to appear before him on 4.9.2021 along with relevant records. According to the petitioner, he appeared and produced documentary evidence before him. But, without passing any order, the respondents are trying to dispossess the petitioner and the same is

illegal, arbitrary, and therefore, requested to issue a direction as stated above

3. Learned counsel for the petitioner during arguments has drawn the attention of this court to various Revenue records like Form 1B, Adangal, Cultivation account, Adangal Phani for falsi 1431 Pattadar passbook and title deed to establish prima facie that the petitioner is in possession and enjoyment of the property as on the date and that action of the respondent is illegal in interfering with the possession and enjoyment of the property.

4. Whereas Assistant Government Pleader for Revenue requested to issue necessary direction to the respondents not to take any action, till passing appropriate order on the notice in Roc. A/136/2021 dated 21.08.2021, based on the material available on record.

5. As seen from the material on record, the petitioner's name is mutated in revenue record including Form-1B (ROR) Adangal for falsi 1431 prima facie establish that the petitioner is in possession and enjoyment of the property as on the date. Pattadar passbook and title deed prima facie establishes that petitioner is *prima facie* owner of the property. At the same time, a notice dated 21.08.2021 in Roc.No. A1/2021 was issued by 4th respondent calling upon

the petitioner to appear before him on 1.9.2021 along with the relevant records, as it is found during verification of records that his name was mutated in the revenue records. Accordingly, the petitioner appeared before him and produced documents. But, no order is passed till date on the impugned notice. Despite producing records by the petitioner appearing before 4th respondent as directed in the notice, the respondents are trying to dispossess the petitioner from the subject property without any manner of right and due process. Hence, the respondent No.4 is directed not to interfere with the property till passing appropriate orders on the notice except by due process of law.

6. With the above direction, the Writ Petition is disposed of at the admission stage with the consent of the petitioner.

There shall be no order as to costs.

7. As a sequel, miscellaneous petitions if any pending shall stand closed.

M.SATYANARAYANA MURTHY, J

Date: 07.09.2021
Psr

THE HON'BLE JUSTICE M.SATYANARAYANA MURTHY

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