

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

**WRIT PETITION NO.21058 of 2021**

**ORDER:**

This petition is filed under Article 226 of the Constitution of India, seeking the following relief:-

“....to issue a Writ of Mandamus, declaring the action of 2 to 4 respondents without following due process of law in trying to dispossess the petitioner from the land in Sy.No.386/7 to an extent of Ac.2.02 cents situated at 80-Kothakota Village, V.Kota Mandal, Chittoor District, as illegal, arbitrary, violative of principles of natural justice and consequently direct the respondents not to interfere with the petitioner's land in Sy.No.386/7 to an extent of Ac.2.02 cents situated at 80-Kothakota Village, V.Kota Mandal, Chittoor District forthwith and pass such other order..”

2. It is the case of petitioner that he is the owner and possessor land in Sy.No.386/7 to an extent of Ac.2.02 cents situated at 80-Kothkota Village, V.Kota Mandal, Chittoor District. The 4<sup>th</sup> respondent granted D-Form Patta in her favour vide AM No.224/4/1422, dated 21.10.2012. Since then she is in possession and enjoyment of the same, her name was mutated in all the revenue records, she was also issued Pattadar pass book and title deed vide Khata No.840. Form-1B (ROR) and Adangal would show that she is in possession and enjoyment of the land without any interruption. She has also obtained electricity connection to the property and dug a bore well in it. Now, the respondents without issuing any notice to the petitioner and without initiating land acquisition proceedings are trying to dispossess/evict her from the subject property, which is illegal and arbitrary and requested to issue direction as stated supra.

3. The documents produced before this Court, more particularly Pattadar pass book, title deed, Form1B (ROR) discloses that the petitioner's name is mutated in revenue records and she is *prima facie* owner of the land apart from that the Adangal copy for

fasili 1431, dated 04.09.2021 discloses that the land Sy.No.386/7 to an extent of Ac.2.02 cents is classified as 'Patta land' and in columns 12 and 13 of the Adangal, the name of Pattadar and enjoyer is noted as R.Kavitha, the petitioner herein and thus the petitioner *prima facie* in possession and enjoyment of the property assigned to her vide D-Form Patta, dated 12.10.2012. Thus, the petitioner proved *prima facie* possession and enjoyment of the property in dispute and thereby any attempt made to dispossess her from the land by the respondents is illegal and arbitrary and she cannot be disposed from the subject land except by following due process of law as held in **Rame Gowda (D) By Lrs vs M. Varadappa Naidu (D) By Lrs. & Anr**<sup>1</sup>. Hence, the respondents are directed not to dispossess the petitioner from the subject property, except by following due process of law.

6. With the above direction, this Writ Petition is disposed of, at the stage of admission, with the consent of both the counsel. However, this order will not preclude the respondents to take appropriate steps, in accordance with law. There shall be no order as to costs.

As a sequel, Interlocutory Applications pending, if any, in this Writ Petition, shall stand closed.

**JUSTICE M. SATYANARAYANA MURTHY**

Date: 22-09-2021

IS

---

<sup>1</sup> AIR 2004 SC 4609

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

**WRIT PETITION NO.21058 of 2021**

Date: 22-09-2021

IS