

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

**WRIT PETITION No.23475 of 2021**

**ORDER:**

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

“...to issue a writ more particularly in the form of Writ of Mandamus declaring the action of the respondents in trying to dispossess the petitioner from his private land upto extent of Ac.0.05 cents in Sy.No.436/1 of Chittoor District, Sri Balaji Registration District, Renigunta Sub-District, Tiruchanoor Village accounts, without serving any notice and completely in violation of the due process of law as illegal, arbitrary, against the principles of natural justice, without power of authority and opposed to the Articles 19, 21 and 300A of the Constitution of India and in the interim it is prayed that this Hon'ble Court may be pleased to direct the respondents not to dispossess the petitioner from his private land upto extent of A.0.05 cents in Sy.No.436/1 of Chittoor District, Sri Balaji Registration District, Renigunta Sub-District, Tiruchanoor Village accounts, pending disposal of the writ petition and pass any other order..”

The petitioner claiming to be the owner of an extent of Ac.0.05 cents in Sy.No.436/1 of Chittoor District, Sri Balaji Registration District, Renigunta Sub-District, Tiruchanoor Village accounts and it was purchased through execution proceedings in E.P.No.146 of 2018 in O.S.No.27 of 2018 on the file of the Principal Junior Civil Judge, Tirupati and a sale deed was also executed in his favour on 13.08.2019, which was registered on 02.11.2019 vide Document No.6366/2019 before the Sub-Registrar, Renigunta.

Since the date of delivery of possession, the petitioner is in possession and enjoyment of the subject property and raised a compound wall around the subject property, constructed a shed, obtained electricity service connection and water connection. He has been paying necessary property tax to the concerned local

Government, planted various fruit bearing trees and flowering plants therein. No other person has got any right except this petitioner in the subject property. It is further submitted that respondent No.5 proclaiming to be having oral instructions from the other respondents and trying to highhandedly dispossess the petitioner from his private property by threatening to demolish the compound wall under the guise that the said land to an extent of Ac.0.05 cents in Sy.No.436/1 of Chittoor District, Sri Balaji Registration District, Renigunta Sub-District, Tiruchanoor Village accounts is 'Inam land' and any constructions or plants therein would have to be removed.

On coming to know about the illegal and highhanded action, the petitioner made a representation dated 15.06.2021 to the respondents to refrain from interfering with his peaceful possession and enjoyment of the subject property. But the respondents have turned a blind eye towards the representation and gave evasive replies to the request made by this petitioner. Therefore, illegal and highhanded interference with the peaceful possession and enjoyment of the property to an extent of A.0.05 cents in Sy.No.436/1 of Chittoor District, Sri Balaji Registration District, Renigunta Sub-District, Tiruchanoor Village accounts, is illegal, arbitrary and requested to issue a direction as stated supra.

During hearing, learned Assistant Government Pleader for Revenue placed on record written instructions received from the office of Tahsildar, Tiruchanoor in Roc.W.P.No.23475 of 2021 dated 18.10.2021, wherein it is stated as follows:

- “1. Tiruchanur Village is Inam village and attracts the provisions of A.P.Inams (Conversion into ryothwari) Act 1956.

2. The land in S.No.436/1 ext Ac.0.05 cents is registered as Inam land and no ryothwaripatta was granted for the land under the provisions of the act.
3. The averments made by the petitioner that the revenue authorities are trying to dispossess him from the land without following due process of law is false and baseless.
4. There is no cause of action in the writ petition and liable to dismissed.”

Based on the written instructions, he requested to pass appropriate orders. Whereas learned counsel for the petitioner reiterated the contentions urged in the affidavit filed along with the writ petition.

The main reason for filing this writ petition is highhanded action of the respondents to dispossess this petitioner from the subject property, which he purchased in Court auction and obtained a registered sale deed through process of Court in E.P.No.146 of 2018 in O.S.No.27 of 2018.

Though the respondents raised several other contentions about the nature of land and title to transfer the property etc., specifically Clause (3) of the instructions that the respondents are trying to dispossess the petitioner from the land without following due process of law is false and baseless, this itself indicates that the respondents are not trying to dispossess the petitioner from the subject property without following due process of law

Recording the submission of learned Assistant Government Pleader for Revenue based on the written instructions referred above, no further direction need be issued as the respondents are not interfering with the alleged peaceful possession and enjoyment of the petitioner over the subject property.

In **Rame Gowda (D) By Lrs vs M. Varadappa Naidu (D) By Lrs. & Anr<sup>1</sup>, Ram Rattan v. State of Uttar Pradesh<sup>2</sup> and Munshi Ram v. Delhi Administration<sup>3</sup>**, the Supreme Court held as follows:-

“...to forcibly dispossess citizens of their private property, without following the due process of law, would be to violate a human right, as also the constitutional right under Article 300A of the Constitution.”

In view of the judgments of Apex Court referred above, the respondents are directed not to interfere with the peaceful possession and enjoyment of the petitioner over the land to an extent of Ac.0.05 cents in Sy.No.436/1 of Chittoor District, Sri Balaji Registration District, Renigunta Sub-District, Tiruchanoor Village accounts, except by due process of law.

In the result, the Writ Petition is allowed, declaring the highhanded action of the respondents as illegal and arbitrary. Consequently, the respondents are directed not to dispossess the petitioner from the land to an extent of Ac.0.05 cents in Sy.No.436/1 of Chittoor District, Sri Balaji Registration District, Renigunta Sub-District, Tiruchanoor Village accounts, except by due process of law. It is made clear that this order will not preclude the respondents to take appropriate action in accordance with law for recovery of possession, if the petitioner's possession is unauthorized. There shall be no order as to costs.

As a sequel, Miscellaneous Petitions, if any, pending in the Writ Petition shall stand closed.

**JUSTICE M.SATYANARAYANA MURTHY**

Date: 20.10.2021  
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<sup>1</sup> Appeal (civil) 7662 of 1997

<sup>2</sup> 1975 AIR 1674 = 1975 SCR 299

<sup>3</sup> 1968 AIR 702 = 1968 SCR (2) 408

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Dated: 20.10.2021

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