

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 25085 of 2004

Between:

Bikki Hanumanthu @ Egilichi, S/o. B. Kesanna,
R/o. 4/18 Kandanathi Village, Yemmigannur Madnal, Kurnool District.

..... PETITIONER

AND

Mandal Revenue Officer, Yemmigannur, Kurnool District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a Writ, order or direction preferably in the nature of Writ of Mandamus declaring the action of the respondent in trying to dispossess and dismantle the dwelling house along with cattle shed bearing No.4/18 of Kandanathi village, Yemmigannur Mandal, Kurnool District without following the due process of law as arbitrary, illegal and opposed to principles of natural justice.

For the Petitioner: MR.K.VENKATARAO, Advocate

For the Respondent: GP FOR REVENUE

The Court at the stage of admission made the following:

-
-
-
-
-
-
-
-
-
-
-
-

ORDER:

-

The petitioner claims to be in possession of the land admeasuring Ac.0-04 cents in Survey No.408 of Kandanathi village, Yemmigannur Mandal of Kurnool District, by virtue of possession certificate issued by the respondent, dated 11-02-2003. It is stated that he erected a house and also raised a cattle shed thereon. His grievance is that at the instance of the persons inimical to him, the respondent without following due process of law, is trying to dispossess him from the land and demolish the house and cattle shed therein. Apprehending dispossession from the land and demolition of the structures therein, the petitioner filed the present writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing on behalf of the respondent.

If the land in question is a Government land, which is under encroachment, the respondent shall follow the procedure under the Land Encroachment Act, for eviction. If the land is a private land and if the respondent intends to acquire it, he shall follow the procedure established by law and pay compensation for acquisition thereof. Till then, status quo obtaining as on today shall be maintained with regard to possession of the land in question. If the respondent has already followed due process of law in the matter, he is at liberty to take steps for eviction.

Accordingly, the writ petition is disposed of at the stage of admission.

N.V. RAMANA, J

Date: 31-12-2004

Svv

To

1. The Mandal Revenue Officer, Yemmigannur, Kurnool District.
2. Two C.Cs to the Government Pleader for Revenue, High Court Buildings, A.P.,Hyderabad (OUT).
3. Two C.D.copies.