

THE HONOURABLE SRI JUSTICE V.ESWARAIAH

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WRIT PETITION No :25575 of 2007

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DATED:30-11-2007

BETWEEN:

S.Basheer Ahmed & 11 others.

..... PETITIONER

AND

The District Collector,
Kurnool,
Kurnool District & 2 others.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioners as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioners seek a writ of mandamus declaring the action of the respondents in contemplating to dispossess the petitioners from their lands in Sy.No.124 of Kallur village and mandal, Kurnool District under the guise of issuance of house site pattas to weaker sections of the society, without initiating proceedings under the Land Acquisition Act to acquire the land in question, as illegal, and arbitrary.

3. It is the case of the petitioners that 1st petitioner is in possession and enjoyment of Ac.2.50 cents; 2nd petitioner Ac.1.50; 3rd petitioner Ac.1.00; 4th petitioner 2200 sq.ft; 5th petitioner 2200 sq.ft; 6th petitioner 1100 sq.ft; 7th petitioner 1100 sq.ft; 8th petitioner Ac.4.85 cents; 11th petitioner 1100 sq.ft; and 12th petitioner is in possession of Ac.1.07 cents in Sy.No.124 of Kallur village and mandal, Kurnool District. It is stated that they came into possession of the said land having purchased the same under various sale deeds and the said land is not an assigned land or Government land and without following due process of law respondents are taking steps to dispossess them.

4. Learned Government Pleader submits that in fact, the said land in Sy.No.124 of Kallur village is a Wakf land and the respondents are contemplating to acquire the same without following due process of law.

5. Even if the said land is a Wakf land, petitioners cannot be dispossessed without following due process of law. Having regard to the facts and circumstances of the case, respondents are directed not to dispossess the petitioners without following due process of law.

6. Accordingly, Writ Petition is disposed of. There shall be no order as to costs.

V.ESWARAIAH,J

30th November, 2007.

Note:

Furnish C.C. of the order
within three days.

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