

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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W.P.No. 1521 of 2015

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DATE: 30.01.2015

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Between:

Ganapati Chengal Reddy .. Petitioner

and

The State of A.P.

and three others .. Respondents

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ORDER:-

The petitioner asserts that the Government assigned him an agricultural dry land in an extent of Ac.4.15 cents in various survey numbers situated in Nallapureddipalli village, Penagaluru Mandal, YSR Kadapa District, vide DKD Patta dated 05.10.1983, and since then, he has been in peaceful possession and enjoyment of the land by cultivating it. Subsequently, the petitioner was issued pattadar passbook and title deed by the competent authorities. While so, it is stated that the official respondents, on 22.01.2015, tried to dispossess the petitioner from the land in question stating that they

would assign the same to the unofficial respondent, the 4th respondent herein. Now, the grievance of the petitioner is that even though he has been in possession and enjoyment of the property since 1983 having obtained pattadar passbook and title deed in his favour, respondent Nos.1 to 3, without following the due process of law, are trying to evict him from his possession. Hence, the present writ petition is filed seeking appropriate directions.

Heard the learned counsel for both the parties and perused the material placed on record.

If any public authority, by virtue of initiation of proceedings, takes coercive steps against private individual either by way of dispossessing or evicting him/her without following the due process of law, it amounts to vice of violation of principles of natural justice. Principles of natural justice would demand that before any action is initiated or order adverse to a party is passed, the official authorities shall follow the due process of law in which they shall issue notice to the party calling for his/her explanation if any, and upon considering the objections that may be submitted by the party, pass appropriate orders and then take action in accordance therewith.

Inasmuch as the official respondents 1 to 3, without following the due process of law, tried to dispossess the petitioner from his land which fact has remained uncontroverted by the respondents, this Court, without going into the merits of the case, deems it appropriate to dispose of the writ petition with the following direction:

“The official respondent Nos. 1 to 3 shall not interfere with the possession and enjoyment of the petitioner from the land in question without following the due process of law, and in particular, as long as the assignment which has been granted in favour of the petitioner subsists.”

With the above direction, the writ petition is disposed of. No order as to costs.

As a sequel to the disposal of the writ petition, Miscellaneous

Petitions, if any pending, shall stand disposed of as infructuous.

CHALLA KODANDA RAM, J

30.01.2015

bcj