

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Writ Petition No.2113 of 2020

ORDER:

1. This writ petition under Article 226 of Constitution of India is filed, questioning the action of respondent Nos.2 to 5 in threatening to dispossess the petitioners from their land in an extent of Ac.1.59 cents in R.S.No.534/2 of Eluru Block-3, Venkatapuram Gram Panchayat, Eluru Rural Mandal, West Godavari, without following due process of law, declare the same as illegal, arbitrary, and violative of Articles 14, 21 and 300-A of Constitution of India, consequently direct respondents not to evict the petitioners from an extent of Ac.1.59 cents in R.S.No.534/2 of Eluru Block-3, Venkatapuram Gram Panchayat, Eluru Rural Mandal, West Godavari.

2. It is the case of petitioners that they are the absolute owners and possessors of land in an extent of Ac.1.59 cents in R.S.No.534/2 of Eluru Block-3, Venkatapuram Gram Panchayat, Eluru Rural Mandal, West Godavari. Originally government assigned the said land in favour of grandfather of first petitioner by granting patta dated 09.01.1962, his name was also mutated in the revenue records. After death of grandfather of first petitioner, the petitioners succeeded the property and are in possession and enjoyment of the same.

3. While the matter stood thus, on 23.01.2020 fourth respondent herein/Mandal Tahsildar, Eluru Mandal, West Godavari District, came to the land with bull dozer and started clearing the bushes in the land. When the petitioners questioned the highhanded action of fourth respondent, he openly stated that the land is already resumed by the government. Such action on the part of fourth respondent is illegal,

arbitrary and violative of Articles 14, 21 and 300-A of Constitution of India, requested to issue direction as prayed for.

4. During hearing, the learned counsel for petitioners reiterated the contentions urged in the writ petition, whereas, the learned Assistant Government Pleader for Revenue (Assignments), fairly accepted to follow due process of law, to evict or dispossess the petitioner, requested to pass appropriate order.

5. Undisputedly, the petitioners are owners and possessors of land in an extent of Ac.1.59 cents in R.S.No.534/2 of Eluru Block-3, Venkatapuram Gram Panchayat, Eluru Rural Mandal, West Godavari. Even assuming for a moment, that the land is assigned land, required by the government for any purpose, when petitioners are in settled possession and enjoyment of land, they cannot be dispossessed or evicted, without following due process of law. Therefore, respondents are directed, not to dispossess the petitioners from the land in an extent of Ac.1.59 cents in R.S.No.534/2 of Eluru Block-3, Venkatapuram Gram Panchayat, Eluru Rural Mandal, West Godavari, except by due process of law.

6. With the above direction, the writ petition is disposed. There shall be no order as to costs.

7. Consequently, miscellaneous petitions, pending if any, shall stand closed.

JUSTICE M. SATYANARAYANA MURTHY

Dated 31.01.2020
Rvk