

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION NO.4830 OF 2020

ORDER:

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

“to issue a writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondents in interfering over the right and possession of the petitioner in respect of land with an extent of Ac.1-50 cents in S.No.2109-1 of Katheragandla Revenue Village granted in petitioners favor under DKT Patta No.631/1419 dated 15.05.2010 in Sri Avadhutha Kasinayana Mandal SKDN Mandal YSR Kadapa District as being illegal arbitrary unconstitutional and consequently direct the respondents riot to dispossess the petitioner in respect of land with an extent of Ac.1-50 cents in S.No.2109-1 of Katheragandla Revenue Village Sri Avadhutha Kasinayana Mandal SKDN Mandal YSR Kadapa District .”

During hearing, learned counsel for the petitioner, without touching the merits of the case, requested this Court to issue a direction to the respondents not to dispossess the petitioner from his land, without following due process of law.

Learned Assistant Government Pleader for Revenue, admitted that the petitioner is continuing in possession of his land and the same was assigned to this petitioner by the competent authority and requested to pass appropriate orders.

Admittedly, the petitioner is in possession and enjoyment of the property. In such case, when the petitioner is in possession and enjoyment of the property, he cannot be dispossessed, without following due process of law, as held by Apex Court in ***Rema Gowda (dead) by Lrs. V. M. Varadappa Naidu (dead) by Lrs***¹. Therefore,

¹ (2004) 1 Supreme Court Cases 769

the respondents are directed, not to dispossess the petitioner from his property, except by due process of law.

With the above direction, the writ petition is disposed of at the stage of admission with the consent of both the counsel. No costs.

The miscellaneous petitions pending, if any, shall also stand closed.

JUSTICE M. SATYANARAYANA MURTHY

Date:29.02.2020
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