

**HON'BLE SRI JUSTICE D. RAMESH**

**WRIT PETITION No. 22354 of 2020**

**ORDER:-**

This writ petition under Article 226 of the Constitution of India is filed by the petitioner for the following relief:

“to issue an order or direction more in the nature of writ of mandamus declaring the action of the respondents more particularly the 4<sup>th</sup> respondent in interfering with the peaceful possession of the petitioner in an extent of 201.6 sq. yards of land situated in Sy.No.372/3E, 372/3, 372/3D in Block ‘A’ in the green unit No.724, Atmakur Village, Atmakur Panchayat, Mangalagiri Mandal, Guntur District and seeking to allot/alienate the said property to the alleged landless poor/assignees pursuant to the allotment of ‘house site pattas’ scheme (pedalandariki illu) envisaged and propounded by the 1<sup>st</sup> respondent, without following the due process of law, as being illegal, arbitrary, contrary to law and violative of principles of natural justice”.

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 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 the Apex Court in ***Rema Gowda (dead) by Lrs. V. M. Varadappa Naidu (dead) by Lrs***<sup>1</sup>.

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<sup>1</sup> (2004) 1 Supreme Court Cases 769

Therefore, 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.

As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

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**JUSTICE D. RAMESH**

30<sup>th</sup> November, 2020  
cbs

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