

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

**TUESDAY, THE TWENTY FIRST DAY OF AUGUST
TWO THOUSAND AND EIGHTEEN**

:PRESENT:

**THE HONOURABLE SRI JUSTICE C.PRAVEEN KUMAR
WRIT PETITION NO: 27741 OF 2018**

Between:

1. Morrimekala Shankaraiah, S/o. Guruvaiah
2. Morrimekala Veeraswamy, S/o. Basavaiah
3. Bathula Venkateshwarlu, S/o. Balaswamy
4. Tammishetty Devanandam, S/o. Chinnappa
5. Thammisetty Kilaaramma, W/o Late Showri
6. Thammisetty Ankulu, S/o. Chinnappa

.....Petitioners

AND

1. The State of Telangana, Rep. by its Principal Secretary, to Government, Revenue Department Telangana, Hyderabad.
2. The District Collector Suryapet,, O/o. Suryapet District
3. The Revenue Divisional Officer,, O/o. Kodada, Suryapet District
4. The Mandal Revenue Officer,, Mellcheruvu Mandal, Suryapet District.
5. The Village Revenue Officer,, Medlacheruvu Village and Mandal Suryapet District.
6. Superintendent of Police,, O/o. Suryapet District.
7. Circle Inspector of Police Rural, O/o Kodad, Suryapet District.
8. Sub Inspector of Police, O/o Medlacheruvu Police Station, Suryapet District.

.....Respondents

Petitions under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased Issue an appropriate Writ or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents 2to 5 in trying to interfere with possession and enjoyment of the petitioners to an extent of Ac.12-00 in Sy.No.631 of Mellacheruvu Village and Mandal, Suryapet District and to plant trees highhandedly as illegal, arbitrary, unconstitutional and violative of principles of natural justice, and consequently directs the respondent 3 to 5 and 7 and 8 not to interfere and dispossess the petitioners from their land to extent of Ac.12-00 in Sy.No.631 of Mellacheruvu Village and Mandal, Suryapet District;

IA NO: 1 OF 2018

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased direct the respondents 3 to 5, 7 and 8 not to dispossess the petitioners from their land to an extent of Ac.12-00 in Sy.No.631 of Mellacheruvu Village and Mandal, Suryapet District, pending disposal of WP 27741 of 2018, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof upon hearing the arguments of Sri DR.J. VIJAYALAXMI Advocate for the Petitioners and GP FOR REVENUE (TG) for the Respondents 1 to 5, GP FOR HOME (TG) for the Respondents 6 to 8, the Court made the following.

ORDER:

Learned Government Pleader on written instructions placed on record the pahanis in respect of the lands, which are the subject matter of the dispute.

According to the Government Pleader the entire land, which is an extent of Acs.18.00 to 34.00 in Sy.No.631 is shown as "Circari land".

The claim of the petitioners appears to be that they have been in possession of the property in an extent of Ac.12.00 in all, since long 50 years. According to the learned counsel for the petitioners, the writ petitioners are paying cist, but issuance of pattas is delayed in view of the division of the State. She admits that though the extent of the Government land in the said Survey Number is Acs.780.00, which is under occupation of many people, the petitioners are in occupation of Ac.12.00 of land.

The learned counsel further submits that the police in high handed manner and under the influence of politicians forcibly trying to dispossess the petitioners from the land. She placed on record the land cist receipts showing payment of land cists. These documents are of the years 2006 to 2013.

It has been held by this Court and also by the Apex Court time and again that even if the parties are in illegal possession of the land, they cannot be dispossessed without following due process of law.

Taking into consideration the facts and circumstances of the case, if the petitioners are in possession of the schedule property, *status quo* to be maintained as on today and the respondents shall not dispossess the petitioners from the possession of the land without following due process of law.

Sd/- B.SATYAVATHI
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Principal Secretary, to Government, Revenue Department, State of Telangana, Hyderabad. (by RPAD)
2. The District Collector Suryapet, O/o. Suryapet District (by RPAD)
3. The Revenue Divisional Officer, O/o. Kodada, Suryapet District (by RPAD)
4. The Mandal Revenue Officer, Mellcheruvu Mandal, Suryapet District. (by RPAD)
5. The Village Revenue Officer, Medlacheruvu Village and Mandal Suryapet District. (by RPAD)
6. Superintendent of Police,, O/o. Suryapet District. (by RPAD)
7. Circle Inspector of Police Rural, O/o Kodad, Suryapet District. (by RPAD)
8. Sub Inspector of Police, O/o Medlacheruvu Police Station, Suryapet District. (by RPAD)
9. One CC to SRI. DR.J. VIJAYALAXMI Advocate [OPUC]
10. Two CCs to GP FOR REVENUE (TG),High Court Of Judicature at Hyderabad. [OUT]
11. Two CCs to GP FOR HOME (TG),High Court Of Judicature at Hyderabad. [OUT]
12. One Spare Copy

GR

HIGH COURT

CPKJ

DATED:21/08/2018

ORDER



WP.No.27741 of 2018

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