

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

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WRIT PETITION No.25759 of 2015

Between:

Juturu Jayaraju and others.

Petitioners

...

and

The State of Andhra Pradesh,
Revenue Department and others.

... Respondents

DATE OF JUDGMENT PRONOUNCED: **14.08.2015**

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

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| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals? | Yes/No |
| 3. Whether his Lordship wish to
see the fair copy of the Judgment? | Yes/No |

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THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

WRIT PETITION No.25759 of 2015

ORDER:

Heard.

2. The case of the petitioners is that the Government assigned land to an extent of Ac.0-87 guntas in Survey No.98-2 of Jogannapeta Village, Nallacheruvu Revenue Mandal, Kadiri Division, Anantapur District, in favour of their mother, who died on 05.04.2013. Petitioners, being the legal heirs of deceased Jayamma, are continuing in possession of the said land which is permissible. Alleging that the petitioners are not cultivating the land, in question since ten years, the second respondent issued notice dated 16.04.2015 fixing a proposal to take back the said land. Petitioners have given reply to the said notice denying the allegations and no orders are passed by the 2nd respondent so far. However, survey notice was issued by the Mandal Revenue Officer to the petitioners on 15.07.2015 stating that the 3rd respondent had filed an application for survey and demarcation of boundaries in survey No.98-2 of Jogannapeta Village proposing to conduct the survey and asking the petitioners to be present for the said survey. It appears that the petitioners were present but the survey is not yet completed. The 3rd respondent is allegedly no way concerned to the said land and no survey can be conducted at her instance, as contended by learned counsel for the petitioners.

3. The present Writ Petition is filed alleging that the 2nd respondent is trying to dispossess the petitioners from the land in question and handover the same to the 3rd respondent ignoring the patta granted in favour of their mother.

4. Admittedly, as the petitioners have already given a reply to the notice issued by the second respondent and no orders are passed by the 2nd respondent so far, it is appropriate to direct the 2nd respondent to take into consideration the reply given by the petitioners and pass appropriate orders. So far as survey notice is concerned, whether the 3rd respondent is entitled to seek survey or not is a matter for which petitioners can file objections to the said survey and appear at the time of survey as the survey proposed is only with regard to demarcation and fixation of boundaries.

5. The writ petition is disposed of directing the 2nd respondent to consider the reply filed by the petitioners to the notice, dated 16.04.2015, issued by him and pass a reasoned order and communicate the same to the petitioners. Since the petitioners claim to be in possession of land, in question, they shall not be dispossessed till the 2nd respondent passes and communicates the order as directed above.

Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

VILAS V.AFZULPURKAR, J

AUGUST 14, 2015
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THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

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