

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V. BHATT**

WRIT PETITION No. 17139 of 2005

Dt:10.09.2015

Between:

N.Sivaramaiah.

... Petitioner

And

The District Collector and others.

... Respondents

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V. BHATT**

WRIT PETITION No. 17139 of 2005

ORDER: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard learned counsel for the petitioner, learned Government Pleader for Revenue for respondent Nos.1 to 3 and learned Government Pleader for Home for respondent No.4.

None appears for respondent Nos.5 and 6.

The petitioner, in the instant writ petition, seeks the following relief:

“For the reasons sated in the accompanying affidavit, this Hon'ble Court may be pleased to issue a writ or order or direction more in the nature of writ of mandamus declaring the action of respondents 1 to 4 in not taking action against respondents 5 and 6 to remove the structures being raised in Survey No.514/2 of Kuchipudi Village, Marripudi Mandal of Prakasam District as illegal, arbitrary, unjust and unconstitutional while issuing a consequential direction to the official respondents to remove all the structures raised in the burial ground located in Survey No.514/2 of Kuchipudi Village, Marripudi Mandal of Prakasam District in the interest of justice and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Learned Government Pleader for Revenue, at the outset, on instructions, submits that an enquiry was conducted in response to the representation made by the petitioner and his claim that the land in

dispute was a burial ground had been rejected long back.

Learned counsel for the petitioner, on the other hand, submits that he is not aware of any such representation and the order passed thereon. In response to our question, in all fairness, he submits that the petitioner does not have any documentary proof to show that the land in dispute was ever used as burial ground.

Learned Government Pleader submits that the land in dispute is now a part of developed town and surrounded by residential houses and there exist a road over the said land. This submission has not been disputed by learned counsel for the petitioner.

In the circumstances, we have no option, but to dismiss the writ petition. Order accordingly.

Consequently, miscellaneous petitions, if any, also stand disposed of. There shall be no order as to costs.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

Dt: 10.09.2015

kdl

