

***THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR***

**WRIT PETITION No.29808 OF 2015**

**ORDER:**

Heard learned counsel for the petitioner and learned Government Pleader for Revenue.

The petitioners assert that they are the owners of Ac.2.00 of land in T.S.No.515/B of Old Guntur, Extension of R.T.C. Colony, Guntur. They claim that some third parties, at the instance of the revenue authorities encroached upon the said land, taking advantage that the adjacent land in Survey No.515/A2 is a Government Land. The petitioners, therefore, made representation, dated 13.07.2015, before the District Collector, Guntur, the 2<sup>nd</sup> respondent, requesting him to conduct survey and demarcate each land. The present Writ Petition is filed alleging inaction on the part of the 2<sup>nd</sup> and 3<sup>rd</sup> respondents.

Learned counsel for the petitioners contends that since the encroachers put in possession by the revenue authorities, the 2<sup>nd</sup> and 3<sup>rd</sup> respondents are required to take steps to evict them.

This Court finds it difficult to accept the said contention, as the petitioners admitted case is that these are the private lands and if there are encroachers in private lands, they have to approach a competent civil Court seeking their eviction.

However, the representation, referred to above, seeks survey of the Government land and the petitioners private land and complains of non-consideration of the said representation.

Obviously, the District Collector is not the authority who can direct conducting of survey, and the petitioners ought to have made appropriate application before the competent authority in accordance with the Andhra Pradesh Survey and Boundaries Act, 1923 by paying the requisite fee.

Hence, the petitioners are at liberty to take appropriate steps to get the Government land and the petitioners land, referred to above, duly surveyed by approaching the competent authority. The petitioners are also at liberty to approach a competent civil Court for seeking relief against eviction of alleged encroachers.

With the liberty aforesaid, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

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**VILAS V.AFZULPURKAR, J**

14.09.2015

Note:- Furnish C.C. in three days.

(B/o)

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