

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

WRIT PETITION No. 3205 OF 2011

Between:

Voppangi Gram Panchayat, rep. by its
Sarpanch, Srikakulam Mandal & District
and another

.. Petitioners

and

The Government of Andhra Pradesh,
rep. by Principal Secretary, Revenue
Department, Hyderabad and others

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 11.08.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

1. Whether Reporters of Local newspapers Yes/No
may be allowed to see the Judgments?

2. Whether the copies of judgment may be Yes/No
marked to Law Reporters/Journals?

3. Whether Their Ladyship/Lordship wish to Yes/No
see the fair copy of the Judgment?

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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ORDER:

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Heard learned counsel for the petitioner, learned Government Pleader for Revenue
appearing for the respondents

1 to 6 and learned counsel for the 7th respondent. With the consent of the parties, the
writ petition is disposed of at the admission stage itself.

The facts in issue are as under:

The 1st petitioner is Voppangi Grampanchayat, whereas the 2nd petitioner is
a resident of Voppangi Revenue Village, Srikakualm District. There was a
communal poramboke land admeasuring 94 cents in Survey No.162/4 which was
classified as burial ground in the revenue records and the same is said to have been

vested with Voppangi Grampanchayat under Section 55 of the A.P. Panchayat Raj Act. It is stated that the burial ground is a reserved land classified as 'prohibited land' and entered in the "Prohibited Order Book" of the village maintained by the revenue authorities under A.P. Board Standing Order 15 Section I (2). While the matters stood thus, the 7th respondent is alleged to have encroached on to the burial ground and constructed a RCC roof terraced building in an extent of 93.84 square yards of land. Thereupon, the petitioners made several representations to the revenue authorities for removal of the illegal construction made by the 7th respondent. In that connection, the 6th respondent made an enquiry and on being satisfied that the 7th respondent illegally occupied and constructed a building in a portion of the burial ground, sought permission of the 3rd respondent to evict the 7th respondent. In pursuance of the instructions received from the 3rd respondent, the 6th respondent issued a notice under Sections 6 & 7 of the A.P. Land Encroachment Act for eviction of the 7th respondent. Questioning the said order, the 7th respondent filed an appeal before the 5th respondent who by an order dated 07.12.2000 dismissed the said appeal. Aggrieved by which, the 7th respondent preferred a revision before the 4th respondent which was dismissed on 01.11.2004. The 7th respondent preferred another revision before the 2nd respondent. Vide his proceedings No.BCW5/35/2005, dated 27.05.2009, the 2nd respondent allowed the revision by setting aside the order dated 01.11.2004 passed by the 4th respondent and remanded the case back to the 4th respondent directing him to conduct a de nova enquiry and to examine whether any car track/road/pathway is going between the encroached land and pass orders, in accordance with law, after giving an opportunity to all the necessary parties. Challenging the same, the petitioners filed the present writ petition.

A counter is filed by the learned Government Pleader for revenue stating that the enquiry is still pending before the 4th respondent.

Though various grounds are raised in the writ petition, the learned counsel for the petitioners restricts his prayer seeking a direction to the 4th respondent to

conduct the enquiry and dispose of the revision at the earliest. The learned Government Pleader for Revenue submits that he has no objection for the same.

Having regard to the circumstances stated above, the 4th respondent is directed to complete the enquiry and pass orders in the appeal, in accordance with law, within a period of six (6) months from the date of receipt of a copy of the order, after giving an opportunity to all the necessary parties. If the 4th respondent has already conducted the enquiry and passed orders in the appeal, the petitioners are at liberty to challenge the same before the appropriate authority.

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

Consequently, miscellaneous petitions pending if any in the writ petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

11th August, 2015

cbs

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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