

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

WRIT PETITION No.29163 of 2015

ORDER:

Heard both sides.

2. The petitioners allege that they were granted pattas for Ac.2.00 cents each in Sy.Nos.389/2, 389/3, 389/1, 153/2, 390/3, 391/1, 391/4, 390/4, 391/5, 390/2, 389/5 and 391/3 of Jammalamadaka Village, Kanigiri Mandal, Prakasam District. Respondent Nos.2 to 4 assured the petitioners that after levelling the lands, survey would be conducted and boundaries would be fixed. The petitioners have paid requisite fees for survey and for fixing the boundaries, but respondent Nos.2 to 4 are not taking steps to conduct survey and fix the boundaries for the assigned lands. Hence, they filed the present writ petition.

3. Learned Government Pleader for Revenue (Andhra Pradesh) appearing for the respondents obtained instructions and placed before this Court the names of various assignees, who were granted pattas as per the 7th Phase Assignment Register from Sy.Nos.389/1 to 391/4. It is stated that Sy.No.381 is the last survey number as per Fair Land Register. It is further stated that when the land was inspected by the Tahsildar along with Mandal Revenue Inspector, Mandal Surveyor and Village Revenue Officer concerned, it was observed that even after lapse of 1 ½ year, the land was not cultivated by the petitioners and that the individuals are not having possession in the said survey numbers. It is further stated that so far, no action is taken against the petitioners to dispossess them and that due process of law would be followed if any action is intended to be taken against them.

4. The instructions do not speak of any action being taken for survey and demarcation, as sought for by the petitioners.

5. In view of the instructions above, the Writ Petition is disposed of directing respondent Nos.4 and 5 to follow the due process of law if any action is intended to be taken against the petitioners for dispossession or otherwise. It is also directed that respondent No.2 - The District Collector, Prakasam District, Ongole shall consider the petitioners' representation for survey, which is stated to have been acknowledged on 24.8.2015 by the Office of the Collector, and issue prompt instructions to respondent Nos.4 and 5 to conduct survey and demarcate the respective lands of each petitioner. There shall be no order as to costs.

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

JUSTICE VILAS V.AFZULPURKAR

Date: 16.9.2015

AMD

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