

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.21190 of 2011

Between:

1. Smt. T.V. Lakshmi Reddy and another.

PETITIONERS

AND

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

RESPONDENTS

ORDER:

The present writ petition came to be filed challenging the action of the 3rd respondent, in interfering with the property of the petitioners consisting of 266.66 sq. yards in Sy.No.189 Plot 23 situated at Subhaniketan road Kakinada (rural) Mandal East Godavari District, as illegal and arbitrary.

The averments made in the affidavit filed in support of the writ petition show that the 1st and 2nd petitioner have jointly purchased an open plot admeasuring 266.66 sq. yards, in plot No.23 situated in Sy.No.189, Kakinada Rural Mandal by way of registered sale deed dated 30.10.2008 from their vendor by name Sri Gavara Ramesh Kumar. It is stated that ever since then they have been in peaceful possession and enjoyment of the same. While things stood thus, on 28.07.2011 the officials of the 3rd respondent visited their plot and measured the same in the presence of some third parties and also made some alterations in the plot without issuing any notice to them. Though the petitioners went to the office of the 3rd respondent to know the reasons, there was no proper answer from him. Subsequently, on the basis of the complaint given by a third a party the officials have once again measured the plot without issuing any notice to the petitioners and again changed the stones put up in the said plot. Aggrieved by the said action of the 3rd respondent, the present writ petition is filed.

Learned Government Pleader for Revenue, on instructions, submits that adjacent to the plot of the petitioners there is government land and as such the authorities visited the said plot and took

measurements of the government land. The learned Government Pleader also submits that the property in question is a private property and that the respondents have not interfered with their possession.

In view of the rival submissions made by the learned Government Pleader that the respondents are not interfering with the property of the petitioners, no further orders need to be passed in this writ petition. However, it is made clear that in future if the respondents intend to conduct any survey, they shall follow the due procedure prescribed under law and issue notice to the owners of the plot.

Accordingly, the writ petition is closed. No costs. Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

8th July, 2015
Js.