

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

* * *

WRIT PETITION No. 24979 of 2015

BETWEEN

M.Seetaramaiah

... PETITIONER

AND

The State of Andhra Pradesh, Rep. by its Principal Secretary,
Revenue Department and others

...RESPONDENTS

Date of Order pronounced: 20.08.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals? | Yes/No |
| 3. Whether his Lordship wish to see the
fair copy of the Judgment? | Yes/No |

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ORDER:-

Heard.

2. Petitioner claims to be owner of land to an extent of Ac.0-95 cents in survey No.288 of Tangedumalli Village, Santhamaguluru Mandal, Prakasam District. Petitioner claims the said land on the basis of possessory agreement of sale dated 07.08.1996 from his vendor and claims that prior to that he was the lessee for a period of ten years for the very same land and thereby claims possession for over 50 years. Petitioner is aggrieved by the action of the fourth respondent and the survey staff, who are stated to have undertaken survey, in spite of objection from the petitioner as his land is a private land and no Governmental interest is involved. However, alleging that respondent Nos.3 and 4 are insisting on the petitioner to vacate from the said land, the present writ petition is filed.

3. On 10.08.2015 when this writ petition was heard, the same was adjourned by two weeks to enable the learned government pleader to get instructions. However, yesterday learned counsel for the petitioner mentioned the urgency in the matter on the ground that proclainers are on the site and petitioner is likely to be dispossessed. Hence, the writ petition was advanced and listed to today.

4. Learned government pleader has received instructions, which states that the said land in survey No.288 admeasuring Ac.3-15 cents is classified as gunta poramboke as per the RSR and the Executive Engineer, O&M Division, Irrigation Department, had requisitioned a survey to be conducted and thereby the Mandal Surveyor was entrusted with the survey work, who is stated to have fixed the boundaries of the said gunta and also found that the encroachment to the extent of Ac.0-92 cents in survey No.288 by the petitioner.

It is stated that the said encroached extent is required for the purpose of Neeru-Chettu programme.

5. Learned government pleader states that though the survey report is received, the fourth respondent will follow due process of law if any action is

to be initiated against the petitioner and shall give him notice and opportunity of filing explanation.

6. Recording the said submission, the writ petition is disposed of directing the fourth respondent to issue notice to the petitioner, if any action is contemplated against his land, as above, and after giving opportunity of filing explanation to the petitioner, pass further orders in the matter in accordance with law. Till appropriate action as referred to above is taken, petitioner shall not be dispossessed or disturbed.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

August 20, 2015

Note:-

Furnish copy by tomorrow.

{B/o}

LMV

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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WRIT PETITION No. 20611 of 2015

July 31, 2015

LMV