

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.17502 of 2011

ORDER:

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The present writ petition is filed questioning the action of the 4th respondent in not considering the representations dated 25-10-2010 and 09-05-2011 made by the petitioner, seeking fixation of boundaries in survey No.103.20 admeasuring Ac.0-05 guntas situated at Pampampeta Village, Ananthapur Town and District as illegal and arbitrary.

The averments in the writ petition are as under:

The petitioner purchased Ac.0-05 cents of house site in survey No.103-20 of Pampampeta, Ananthapur Town under a registered sale deed dated 05-01-1960 and he also obtained a patta for the same. Since then the petitioner is said to be in possession and enjoyment of the above house site by raising a hut. Adjacent to petitioner's site, one Chinna Satyanarayana Setty purchased a site and he also obtained patta. It is stated that one Sriram Sampath Kumar Gupta filed O.P.No.71 of 1986 on the file of District Judge, Ananthapur under Land Grabbing Prohibition Act, against the petitioner and others and the same was dismissed holding that the respondents therein purchased the specific plots from vendors and they have been living there. It is stated that sons of said Sampath Kumar are trying to interfere into the property of the petitioner, removed a part of hut are trying to trespass in to the house. On that, the petitioner approached the 1st respondent and gave representation. As per the instructions of the 1st respondent, the respondents 2 and 3 warned him. Then the 5th respondent started interfering with the possession of petitioner's site on the ground that his vendors executed Sale-cum-General Power of Attorney in his favour. In view of the same, the petitioner made a representation to the respondents 1 and 2 to provide police protection. As he could not get

any favourable order from the police, the petitioner filed W.P.No.19441 of 2010 before this Court, wherein this Court directed the 4th respondent to verify and act upon the complaint made by the petitioner on 17-05-2010, as per the endorsement of the Deputy Superintendent of Police, Ananthapur, for providing police protection to the petitioner's house as mentioned above, as per law. In pursuance of said orders, the petitioner made a representation dated 24-10-2010 to the 3rd respondent to provide police protection to his property and in turn addressed a letter to the 4th respondent-Tahsildar to depute Mandal Surveyor to fix up the boundaries of his house site to enable them to provide police protection. On 25-10-2010 and again on 09-05-2011 the petitioner made applications to the 4th respondent one after the other. But the 4th respondent did not taken any action for conducting survey of his land. Hence, the present writ petition.

Learned counsel for the petitioners submits that earlier the petitioner filed W.P.No.19441 of 2010 before this Court declaring the action of police in not providing police protection to protect his house, which was allowed by directing the 4th respondent therein to act upon the complaint made by the petitioner on 17-05-2010, as per the endorsement of the Deputy Superintendent of Police, Ananthapur, for providing police protection. He submits that the petitioner made representations to the 4th respondent (Tahsildar) for conducting a survey of the land in the month of October and November, but till date the same were not taken-up.

Without going into the merits of the case and having regard to the circumstances of the case, the 4th respondent is directed to dispose of the representation dated 09-05-2011 made by the petitioner, in accordance with law, within a period of four weeks from the date of receipt of copy of the order, if the same is still pending consideration.

Accordingly, the writ petition is disposed of. As a sequel thereto,
Miscellaneous Petitions, if any, pending shall stand closed.

JUSTICE C. PRAVEEN KUMAR

07-07-2015

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