

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 33806 of 2011

ORDER:

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Heard learned counsel for the petitioner and learned counsel for the respondents.

With the consent of both the parties, the Writ Petition is disposed of at the admission stage itself.

The present writ petition came to be filed to declare the inaction of the official respondents in acting upon the representation, dated 19.09.2011, made by the petitioner, as illegal and arbitrary and consequently direct the official respondents to take possession of the land admeasuring Acs.0.03 cents in Plot No.304 in Survey Nos.95 and 96 situated at Maruproluvaripalem Village, Bapatla Mandal, Guntur District, by evicting the fifth respondent or anyone claiming it and hand over the same to the petitioner.

The averments in the Writ Petition are as under:

The petitioner acquired Ac.0.03 cents of house site with Plot No.304 from out of Survey Nos.95 and 96, situated at Maruproluvaripalem, Bapatla Mandal of Guntur District through DK patta No.2989/1390, dated 30.03.1981. Since then, the petitioner was in possession and enjoyment of the said land without any interruption. When the petitioner shifted from Bapatla and returned to his village after one year, he was shocked to see a hut laid in his land. Though initially, the occupier promised to vacate the said land, but subsequently, he failed to do so and he

further came to know that the land has been assigned to one Smt.Shaik Rajiya (fifth respondent). It is stated that the petitioner initially made a complaint to the second respondent about the encroachment of his land and the same was endorsed by the second respondent on 26.10.2009 instructing the third respondent for initiation of personal inspection. As there was no action initiated, the petitioner made second representation to the fourth respondent, who again endorsed for necessary action by the third respondent. It is also stated that the petitioner made another application to the third respondent seeking clarification whether the said land has been reassigned in the name of the fifth respondent, for which, the third respondent made an endorsement stating that the Government record reveal that the land belongs to the petitioner and there is no record evidencing the assignment of the said land in favour of the fifth respondent. It is stated that no action has been initiated by the official respondents to evict the encroacher and hand over the assigned land to the petitioner, inspite of his repeated applications till 19/09/2011. Questioning the inaction, the present Writ Petition has been filed.

Learned counsel for the petitioner submits that though the petitioner made several representations till 19.09.2011, seeking eviction of the fifth respondent, no order has passed on any of the representations.

Without going into the merits of the case and having regard to the facts and circumstances of the case, the Writ Petition is disposed of by directing the third respondent i.e., Mandal Revenue Officer, to dispose of the representation dated 19.09.2011 made by the petitioner, in accordance with law, if it is still pending consideration, within a period of six (06) weeks from

the date of receipt of a copy of this order. No order as to costs.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

**JUSTICE C. PRAVEEN
KUMAR**

20.07.2015
vnb