

THE HONOURABLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.39996 OF 2015

ORDER:

Heard learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue.

The petitioners claim that they are in possession of different parts of land in Survey No.877/1 of Challavaripalem, Guntur Rural, Guntur District. They allege that though they are residing in the aforesaid land for over three years, the 4th respondent is trying to interfere and dispossess them from the said land.

The learned Assistant Government Pleader for Revenue, on instructions, submits that Challavaripalem village is a hamlet of Ankireddypalem village and an extent of Acs.4.24 guntas of land in Survey No.877 is classified as 'Government Poramboke' and it is a Vagu (Stream) and as per FMB, Sy.No.877 is sub-divided and S.No.877/1 admeasuring Ac.1.92 cents is mentioned as Vagu. He further submits that the Sarpanch of the said village submitted a representation complaining encroachments on the Vagu and expressed apprehension that that they may cause obstruction of Vagu course for free flow of water. Based on the said complaint, the 4th respondent is stated to have personally inspected the site along with the MRI (Rural), Village Revenue Officers and Police, Nallapadu PS., and requested the encroachers to vacate the area, after explaining them about the danger and, however, since none of the encroachers cooperated, it is stated that they got evicted the encroachers and handed over the said area to the Panchayat for safeguarding the Vagu.

As the present writ petition is filed alleging that the petitioners are in possession of the said land and in view of the reason that the Vagu area is already handed over to the Panchayat, after evicting the encroachers, no relief, as sought for, can be granted to the petitioners. However, it is open for the petitioners to take appropriate steps against the action taken by the officials, in evicting them from the subject land premises.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. As a sequel, the miscellaneous applications, if any, shall stand closed.

VILAS V. AFZULPURKAR, J

December 28, 2015.
KTL