

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 17206 of 2012

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ORDER:

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Heard learned counsel for the petitioners, learned Government Pleader for Revenue appearing for respondents 1 to 4 and learned counsel for the 5th respondent. With the consent of the parties, the writ petition is heard and disposed of at the admission stage itself.

The present writ petition came to be filed seeking issuance of a writ of certiorari calling for records relating to case No.D.Dis(E1) 1695/2012 dated 12.05.2012 and quash the same as illegal and arbitrary, and consequently, to direct the 4th respondent not to interfere with the peaceful possession and enjoyment of the petitioners over land to an extent of Ac.0.72 cents in Survey No.55 situated at Narukur Village, T.P. Gudur Mandal, Nellore District.

Though various grounds are raised in the writ petition, the learned counsel for the petitioners restricts his prayer seeking a direction to the 4th respondent to follow the due process of law before evicting the petitioners from the land, as they are still in possession of the same.

A perusal of the impugned order would show that the land, which is the subject matter of dispute in the writ petition, was classified as "Thopu Poramboku" as per Diglot and it was recorded as "Gramanatham" in No.3 Account. The impugned order also discloses that no orders were available both in the Offices of the Tahsildar (4th respondent herein) and the Revenue Divisional Officer (3rd respondent herein) regarding change of classification of land in question and that the lands classified as "Thopu Poramboku" or "Gramanatham" cannot be assigned without change of classification to A.W. dry. Hence, the orders of the Revenue Divisional Officer, Nellore are set aside and the Tahsildar, T.P. Gudur, was directed to pass orders

duly following the procedure contemplated under A. P. Land Encroachment Act, 1977, take possession of the land, and enter in "Land Bank" for future needs.

In view of the above, the Writ Petition is disposed of, directing the 4th respondent to follow the procedure contemplated under A. P. Land Encroachment Act, 1977 before taking possession of the land to an extent of Ac.0.72 cents in Survey No.55 situated at Narukur Village, T.P. Gudur Mandal, Nellore District, uninfluenced by the observations made by the 2nd respondent in the impugned order. There shall be no order as to costs.

Consequently, miscellaneous petitions if any pending in the writ petition shall stand dismissed.

JUSTICE C. PRAVEEN KUMAR

28th September, 2015

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