

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.39084 of 2015

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02.12.2015

Between:

Karri Sura Reddy .. Petitioner

and

State of Andhra Pradesh,

represented by its Principal Secretary,

Panchayat Raj Department, Hyderabad and others

.. Respondents

Counsel for the petitioner: Mr.B.V.Rama Rao

Counsel for respondent No.1: Assistant Government Pleader

for Panchayat Raj and Rural Development (AP)

Counsel for respondent No.2: Government Pleader for Revenue (AP)

Counsel for respondent No.3:Mr.Ravi Cheemalapati,

standing counsel for the Gram Panchayats (AP)

The Court made the following:

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ORDER:

This writ petition is filed for a *mandamus* to declare the action of respondent Nos.2 and 3 in demolishing the petitioner's shed and trying to dispossess him from the land admeasuring 100 sq.yds. in survey No.272/2 of Gokavaram Village and Mandal, East Godavari District, as illegal and arbitrary.

The petitioner has pleaded that he is in occupation of the land belonging to one Dasari Kasi Viswanatha Veera Venkata Satyanarayana under lease for the last eight years and that after the death of the original owner, he has taken the land on lease from his son Dasari Satish Babu. Respondent No.3 has issued notice, dated 17.10.2015, wherein it was stated that the petitioner encroached the site earmarked for cattle pound and been running a chicken centre therein by raising illegal structures, and he was, therefore, called upon to vacate the land within two days, failing which civil and criminal action will be initiated against him under the provisions of the Andhra Pradesh Panchayat Raj Act, 1994.

The petitioner has further pleaded that in reply to the aforesaid notice, he has submitted his explanation on 19.10.2015 denying the encroachment of the public land. He has also pleaded that on 26.10.2015, respondent Nos.2 and 3 along with their staff came to his shop, conducted survey, fixed boundaries and on 19.11.2015,

they along with the Police removed the shed raised by him existing in survey No.272/2 on local political pressure. The petitioner has further pleaded that he is not in possession of survey No.261/9, which is classified as grama kantam, as alleged by the respondents and that therefore, this action of the respondents in interfering with his possession and demolition of the shed erected by him is illegal.

From the facts noted above, it is evident that respondent No.3 has executed the notice, dated 17.10.2015, impugned in this writ petition. Therefore, no relief can be granted in this writ petition. However, if the petitioner asserts his right over the land in question, he shall be free to approach the competent civil Court for appropriate interim and final reliefs.

Subject to the liberty given to the petitioner as above, the Writ Petition is dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P.No.50386 of 2015 filed by the petitioner for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

02nd December, 2015

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