

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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WRIT PETITION No. 1107 of 2015

ORDER:

The petitioner seeks a mandamus, complaining inaction on the part of the respondents 2 to 4 in considering his representation dated 01.12.2014.

2. The pleaded case of the petitioner, in brief, is that he owns an agricultural land and a Rice Mill in Survey No.462 of Pedda Tadepalli Revenue village, Tadepalligudem mandal, West Godavari district. Abutting his land and rice mill in Survey No.462 is the land in Survey No.471 classified as "Uracheruvu" in the revenue records. Access to his land and rice mill is through a "puntha" (passage) which comes under Survey No.471, and the total land in Survey No.471 including the "puntha" is a total extent of Ac.4-44 cents which is classified as "Government land". It is stated that some unknown persons are digging the "puntha" (passage) and transporting the earth to their personal lands, resulting in the puntha (passage) getting narrower, thereby, impeding the movement of heavy vehicles which come to the petitioner's rice mill located in Survey No.462. Aggrieved of the situation, the petitioner made several representations to the respondents 2 to 4, the latest being the one on 01.12.2014 to the 2nd respondent, but no action is taken. Hence, this writ petition.

3. Heard the learned counsel for petitioner, and the learned Additional Government Pleader.

4. At the hearing, learned Additional Government Pleader placed before this Court the written instructions dated 28.01.2015 received from the 4th respondent-Tahsildar, Tadepalligudem. In the said instructions, the Tahsildar admits that the land in R.S.No.471 is classified as "Canal Poramboke" and the same vests with the Irrigation Department. He also admits that the petitioner made a complaint, and the complaint has, in fact, been acted upon. As a matter of fact, the 3rd and 4th respondents, who are the Revenue Divisional Officer, Eluru and Tahsildar, Tadepalligudem, respectively, inspected the land on 22.01.2015 and found that there is no digging and transportation of earth to the personal lands of individuals. It

is also stated that the petitioner owns land in an extent of Ac.2-15 cents in R.S.Nos.462/3A and Ac.1-32 cents in R.S.No.462/3C and, as such, there is no impediment for movement of vehicles to the petitioner's land and that the easementary rights of the petitioner are not affected in any manner.

5. Having considered the rival submissions and taking into consideration the written instructions received from the 4th respondent-Tahsildar, Tadepalligudem, it appears that the petitioner seems to have some differences with third parties which prompted him to file this writ petition. In view of the submissions made by both the parties, and the material placed before this Court, I do not find any reason to pass any orders in this writ petition inasmuch as the limited grievance of the petitioner, seeking a direction to the respondents to consider his representation dated 01.12.2014, stands virtually resolved, as is evident from the written instructions of the Tahsildar, Tadepalligudem. Hence, I deem it appropriate to close the writ petition, however, by giving liberty to the petitioner to take steps available to him under law, as may be advised, for redressal of his grievance.

6. With the above observation, the writ petition is closed, giving liberty to the petitioner to take appropriate steps under law, as may be advised. No order as to costs.

Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

CHALLA KODANDA RAM, J

04th February, 2015

KSM