

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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WRIT PETITION No. 21535 of 2011

ORDER:

The writ petition is filed complaining obstruction of the petitioner from using an extent of Ac.0-07 cents of land in Survey No.39/1, which is admittedly a Government land, for ingress and egress to the adjacent land owned by her.

2. The petitioner states to be the owner of land over an extent of Ac.0-44 cents in Survey No.39/3 of Pottempalem village, Nellore Rural mandal, SPSR Nellore district. The factum of the petitioner being the owner of Ac.0-44 cents in Survey No.39/3, which is adjacent to the Government land in Survey No.39/1, is admitted in the counter affidavit filed by the 2nd respondent-Tahsildar, and it is also admitted in the counter that the petitioner is utilising the said Government land in 39/1 for ingress and egress to her land in Survey No.39/3. However, the allegation that the respondent authorities are interfering with the petitioner's enjoyment of the same has been specifically denied. It is also stated in the counter that, as against the encroachment of the petitioner into Government land, the respondent authorities would take action as per law.

3. In the light of categorical submission by the respondent authorities in the counter affidavit that they shall not interfere with the petitioner's usage of land over an extent of Ac.0-07 cents in Survey No.39/1 for ingress and egress, there shall be a direction to the respondent authorities not to interfere with the petitioner's usage of land over an extent of Ac.0-07 cents in Survey No.39/1 for ingress and egress to her land in Survey No.39/3. However, it is made clear that the present direction given to the respondent authorities shall not be construed as restricting the right of the respondent authorities from taking appropriate proceedings, in accordance with law, in the event the subject land i.e., Ac.0-07 cents in Survey No.39/1, which is being used by the petitioner for

ingress and egress, is required for any public purpose, as the petitioner does not have any vested right over Ac.0-07 cents in Survey No.39/1, which is admittedly a Government land.

4. Subject to the above observations, the writ petition is disposed of. No costs. Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

CHALLA KODANDA RAM, J

11th June, 2015

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