

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WVMP.No.1494 of 2015

In

WP.No.4872 of 2015

And

WP.No.4872 of 2015

ORDER :

Heard the counsel for petitioner and the learned Government Pleader for Irrigation (Andhra Pradesh) for respondents.

2. The petitioner has filed this Writ Petition claiming that respondent nos.2 and 3 are interfering with the peaceful possession and enjoyment of the petitioner at Srikakulam, Ghantasala Mandal, Krishna District without issuing any notice.
3. Although the petitioner claims that even his forefathers were running the business in the subject premises, no material in support of the said plea has been filed.
4. The counsel for petitioner has not disputed that the subject land where the petitioner is doing business belongs to the Irrigation Department of the State of Andhra Pradesh.
5. In the counter-affidavit filed by respondents, this fact is specifically asserted and it is stated that petitioner is an encroacher. It is stated that the land is notified under irrigation classification and it is impermissible to reside, build or to do any activity over such land. It is also stated that a notice was issued to petitioner to remove the encroachments on 13.12.2013, but

he ignored the same. It is further stated that the subject premises is located in '*Karakatta*' area which is a flood bank classified under irrigation land, and no temporary or permanent structures can be erected there.

6. Since the petitioner has no legal right to continue in possession of the subject property, and since admittedly the title to the said property vests with the respondents and since no injunction can be granted against the real owner, I am of the opinion that petitioner is not entitled to any relief in the Writ Petition.
7. Accordingly, the order dt.10.03.2015 granted by this Court and extended from time to time is vacated, and WVMP.No.1494 of 2015 is ordered. Consequently, the Writ Petition is dismissed. No order as to costs.
8. As a sequel, miscellaneous petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 25.11.2015

Ndr/*