

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.2764 of 2015

Date: 11-02-2015

Between:

P. Pydi Prakash Reddy

.. Petitioner

AND

The State of Andhra Pradesh, represented by its
Principal Secretary, Endowments Department,
Hyderabad and another

.. Respondents

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.2764 of 2015

ORDER:

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This writ petition is filed for a mandamus declaring the action of the 2nd respondent in unilaterally treating private land of the petitioner admeasuring 106 square yards situated in Survey No.1/1B, part of Buchirajupalem village, Visakhapatnam District as belonging to the 2nd respondent temple and in making efforts to construct a compound wall by excavating a trench therein as illegal and arbitrary and for a consequential direction to the 2nd respondent to refrain from interfering in any manner with the peaceful possession and enjoyment of the said land.

2. The case of the petitioner is that the petitioner is owner of an extent of 106 square yards in Survey No.1/1B part of Buchirajupalem village, Visakhapatnam District, having purchased originally by his father under registered document No.2465 of 1971 dated 22-06-1971 along with one Venkata Chowdary and the

petitioner got his share under oral partition in the year 1978. It is stated that the 2nd respondent temple authorities intending to construct a compound wall around the lands being claimed by them, started excavating a trench using JCB machine and on 31-01-2015 efforts were made by the authorities to trespass over the land of the petitioner and the petitioner himself along with neighbouring land owners made a written representation to the 2nd respondent temple, but the 2nd respondent temple authorities without considering the same started excavation work for construction of a compound wall. Aggrieved by the same, the present writ petition is filed.

3. Heard the learned counsel for the petitioner and Sri V. Venugopal Rao, learned standing counsel appearing for the 2nd respondent stated on instructions that after the petitioner made a representation, the 2nd respondent temple authorities requested the concerned Assistant Engineer, Survey and Land Records for demarcating the land belonging to the petitioner as well as the 2nd respondent-temple and they stopped the construction till demarcating the land.

4. Since the learned standing counsel for the 2nd respondent-temple stated that the 2nd respondent-temple authorities stopped the work till demarcating the subject land, the writ petition can be disposed of recording the same.

5. Recording the statement made by the learned standing counsel, the writ petition is disposed of. However, the 2nd respondent-temple may take appropriate further action after receipt of the report from the Assistant Engineer, Survey and Land Records insofar as subject land is concerned. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall

stand closed.

A. RAJASHEKER REDDY, J

Date: 11-02-2015

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