

THE HON'BLE SRI JUSTICE A.RAJASEKHAR REDDY

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W.P.NO.26177 OF 2016

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ORDER

The case of the petitioner, as per the affidavit filed in support of the writ petition, is that he purchased an extent of 537.77 sq. yards situated in Sy.No.702/1/A, Thandur Village and Grampanchayat, Thandur Mandal, Adilabad District under registered sale deed dated 3.4.2014 from one Katakam Pocham and that his name is also mutated in the revenue records and he has been paying property tax. After obtaining necessary permission from Grampanchayat, he started construction of his house. Now the grievance of the petitioner is that without issuing any notice, the revenue Officials – respondents 3 and 4 and 5th respondent – Grampanchayat, required the petitioner to stop construction. The further case of the petitioner is that the neighboring plot owners who were facing similar problem, filed writ petition and this court by order dated 15.4.2015 in WPMP.No.13738/2015 in W.P.No.10400/2015, granted interim direction. With these averments, the writ petitioner is seeking a direction to the respondents not to interfere with his construction activity.

The learned counsel for the petitioner reiterating the above averments submitted that without any notice, the respondent 3 to 5 are interfering with the construction activity of the petitioner, therefore sought for a direction not interfere, without following the due process of law.

The learned Assistant Government Pleader based on written instructions of 4th respondent – Tahsildar submitted that Sy.Nos. 702 of Tandur village and Sy.Nos.9 and 10 of Kistampet village, are adjacent survey numbers. The extent in Sy.No.702, is Acs.4-41 cents and it is a patta land. The land in Sy.No.9, is an extent of Acs.5-65 cents and it is Government Kharija Khata land. The land in Sy.No.10, is an extent of Acs.7-48 cents and it is Government Gairan land. The vendor of the petitioner by name Katkam Posham was notified as Pattadar over Sy.No.702/1/A, in an extent of Ac.1-33 cents situated in Tandur village. He has sold away the said land to several persons and they have constructed houses. He has no balance land. Taking advantage of the Government land in Sy.No.9, which is adjacent to his land in Sy.No.702, he has sold land to the petitioner showing it as Sy.No.702/1/A of Tandur village, and has shown the physical possession in Sy.No.9 of Kistampet village, which is Government land. The petitioner who has purchased the said land, by encroaching in an extent of 180 sq. yards of Government land in Sy.No.9 of Kistampet village, started house construction. The petitioner was issued notice under Section 7 of the A. P. Land Encroachment Act, 1905 on 6.4.2016 to stop construction in Government land. The Sub Collector Asifabad also issued notice to the petitioner on 16.5.2016 to stop the construction. But in spite of the said notices, the petitioner has not stopped the house construction. The father of the petitioner has given a statement before the 4th respondent – Tahsildar seeking time of fifteen days for dismantling the construction made in Sy.No.9 of Kistampet village, but he failed to do so. With these

submissions, the learned Assistant Government pleader seeks to dismiss the writ petition.

From the above submissions, it could be seen that the claim of the petitioner is that he has purchased the land in an extent of 537.77 sq. yards in Sy.No.702/1/A situated at Thandur village and Grampanchayat , Tandur Mandal, Adilabad District under registered sale deed and after obtained necessary permission from Grampanachayat, is proceeding with the house construction and that without any notice, the revenue officials are interfering with his construction activity. On the other hand, the case of the respondents, as per the submissions of the learned Assistant Government Pleader based on written instructions, is that the petitioner has been making construction by encroaching the Government land in Sy.No.9 of Kistampet village, to an extent of 180 sq. yards and that he has also been issued notices to stop construction and further, the father of the petitioner has also given an undertaking before the Tahsildar to dismantle the construction made in the said Government land, but failed to do so. In view of these circumstances, I am inclined to dispose of the writ petition at the stage of admission, with the following direction:

It is open for the petitioner to make construction only in the extent of land covered under Sy.No.702/1/A of Thandur village and Grampanchayat, Thandur Mandal, Adilabad District and respondents shall not interfere with the same. Since, the case of the respondents 3 to 5 is that the petitioner has encroached an extent of 180 sq. yards of land in Sy.No.9 of Kistampet village, they are at liberty to take appropriate action

after following the due process of law.

The writ petition is accordingly disposed of. No costs.

Miscellaneous petitions pending if any, shall stand closed.

A.RAJASEKHAR REDDY,J

DATE:24.08.2016

AVS