

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No. 6165 OF 2016

ORDER:

The case of the petitioners is that they had filed L.G.O.P.No.2 of 1998 seeking to evict initially 23 encroachers and thereafter another 29 members. The said LGOP was allowed and when appealed against, the same came to be remanded for disposal afresh. The LGOP was posted for arguments. At that stage I.A.No.1064 of 2016 was filed to appoint a Commissioner for inspection, taking measurements of the petition schedule property, and fixing the boundaries with the assistance of the Assistant Director, District Survey and Land Records. The said Application was resisted by the respondents. The Court below dismissed the same on the ground that there were already two survey reports of Tahsildar/Mandal Revenue Officer available and hence, the present IA was filed only to gather evidence.

2. Learned counsel for the petitioners submits that though there were two survey reports, the same does not deal with the boundaries towards Southern and Northern side of the petition schedule property. Since the said aspect is crucial for the purpose of determination of the case, now the present Application has been taken out.

3. Having considered the submission, there being no error in dismissing IA, the Civil Revision Petition is liable to be dismissed. However, it may be noted that the OP is filed invoking the provisions of

the Land Grabbing Act and alleging encroachment of respondent Nos.1 to 29. The specific case of the petitioners is that they are owners/title holders of land to an extent of Ac.0-95 cents with specific boundaries i.e., East-Government land, South – Site of Dr.Kolli ARundhati, West-45 Feet Road, North – Land of Bezawada Lakshmikanthamma/Katamreddy Ramachandra Reddy, Devalla Sundararami Reddy, and Duvvuru Chandra Sekhara Reddy. Even assuming for argument sake, as of date the land is occupied by third parties, the facts which the petitioners are required to be established by leading appropriate evidence are that respondent Nos.1 to 29 are in occupation of the property without there being any legal right. Admittedly, as of date the OP is listed for arguments. It may also be born in mind that the OP is of the year 1998 and it is only on account of the remand by the Appellate Tribunal, the OP is reopened once again.

4. In those circumstances, the conclusion arrived at by the learned District Judge that the present application is only an application filed to gather evidence cannot be found fault. Accordingly, I see no reason to interfere with the said order.

The Civil Revision Petition is dismissed. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

JUSTICE CHALLA KODANDA RAM

December 16, 2016

LMV

