

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.10917 OF 2008

ORDER :

The complaint in the present writ petition is the action of the respondent-authorities in trying to lay the road and to build a culvert in the land of the petitioner, situated in Sy.No.21 of Bandlapalli Village, Narpala Mandal, Anantapur District.

Heard the learned counsel for the petitioner and the learned Government Pleader for Respondents.

According to the petitioner he owns an extent of Ac.5.70 cents in Sy.No.21 of Bandlapalli Village, Narpala Mandal, Anantapur District and the same is located on the road leading from Bandlapalli to Gollapalli village. It is alleged in the affidavit filed in support of the writ petition that the Deputy Executive Engineer, Panchayat Raj, without giving any notification under the provisions of the Land Acquisition Act, is trying to lay a road to Gollapalli Village by encroaching upon the land of the petitioner. This Court, on 22-05-2008, issued Rule Nisi and granted interim order in W.P.M.P.No.14222 of 2008, which reads as under :

“While S.R.Ambati, learned counsel for the petitioner would assert that the respondents are interfering with the petitioner's possession and are digging the land of the petitioner to construct a culvert thereon, learned Government Pleader for Panchayat Raj would submit that the respondents are only laying a fresh road on the existing road and that they are not encroaching on the petitioner's land.

Since the relief sought for in this application is not to interfere with the peaceful possession of the petitioner and since it is the

admitted case that the respondents are not doing so, interim direction as prayed for.”

No counter-affidavit is filed. The above said interim order, directing respondents not to interfere with peaceful possession and enjoyment of the petitioner in respect of land in Sy.No.21 of Bandlapalli Village, Narpala Mandal, Anantapur District without due process of law, has been in existence since 22-05-2008. Since there is no counter filed by respondents herein, this Court deems it appropriate to dispose of the writ petition by making the interim order as final order in the writ petition.

Accordingly, the Writ Petition is disposed of directing respondents not to interfere with the peaceful possession and enjoyment of the petitioner in respect of land in Sy.No.21 of Bandlapalli Village, Narpala Mandal, Anantapur District. However, this order will not preclude the respondents from proceeding in accordance with law. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE A.V.SESHA SAI

Date: 17.11.2016

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