

THE HON'BLE SRI JUSTICE A.RAJASEKHAR REDDY

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W.P.NO.27112 OF 2016

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ORDER

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue for the respondents.

The case of the petitioner is that he purchased an extent of Acs.11-20 guntas of land in Sy.No.194(a) of Viswanadhapally village, Singareni Mandal, Kothagudem Revenue Division, Khammam District under sale deed dated 10.3.1968 and has been cultivating the said lands and his name is also mutated in the revenue records. On the western side of his land, there is a water body called "Betala Cheruvu", which is in an extent of Acs.20-00 in Sy.Nos.194 and 264 and the same is used as water source for the surrounding agricultural lands. Now the petitioner has put paddy seedlings in the subject land and while so, the 3rd and 4th respondents, Tahsildar and Mandal Revenue Officer, has come to his fields on 8.8.2016 and asked to stop the work, on the ground that the subject land of the petitioner is effected in Mission Kakatiya and to fix boundaries on western side of the land of the petitioner. Aggrieved by the action of the respondents in asking the petitioner to stop the agricultural operations, the present writ petition has been filed.

The learned counsel for the petitioner submitted that the

petitioner has purchased the subject lands under sale deed dated 10.3.1968 and in the revenue records, his name is shown as pattadar and possessor. He submitted that earlier when the revenue officials tried to interfere with the possession of the petitioner for implementing Kakatiya Mission works without conducting survey, the petitioner filed writ petition before this court in W.P.No.24980/2016 and this court directed the authorities to conduct survey for demarcating the land of the petitioner. But till now no such survey was conducted. He submitted that on the ground of survey and fixing of boundaries on one side of the land of the petitioner, i.e., on the western side, entire agricultural operations in Acs.11-20 guntas, cannot be asked to be stopped. Therefore, he sought for a direction to the respondents not interfere with the agricultural operations of the petitioner in the entire extent of land.

On the other hand, the learned Assistant Government Pleader for Revenue based on written instructions of the 3rd respondent Tahsildar, Singareni Khammam District, submitted that the village falls under schedule area and the petitioner is a non-tribal and that he obtained pattadar books in violation of the Land Transfer Regulations, 1959 and that the petitioner has encroached the submergence land of Bethalacheruvu. He stated that this court in the earlier round of litigation in W.P.No.24980/2016, directed to conduct survey for demarcation of the land of the petitioner and the respondents are in the process of implementing the directions of this court, in the meanwhile, the petitioner again filed the present writ

petition. Therefore, he sought to dismiss the writ petition.

This court in the earlier round of litigation, directed the authorities to conduct survey for demarcating the land of the petitioner. As per the above averments and the submission of both the counsel, the survey for demarcation has not been done. The case of the petitioner is that the said survey for demarcation, has to be undertaken on the western side boundary of the petitioner's land and for the said purpose, there is no justification on the part of the respondents 3 and 4 to ask the petitioner to stop agricultural operations on the entire land. In these facts and circumstances, I am of the considered view that the agricultural operations of the petitioner in the subject land, shall not be interfered with, till the conducting of survey and demarcation. The petitioner also shall co-operate with the survey and demarcation of the subject land.

With the above observation, the writ petition is disposed of at the state of admission. No costs.

Miscellaneous petitions pending if any, shall stand closed.

A.RAJASEKHAR REDDY,

J

DATE:24—08—2016

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