

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.29809 of 2012

ORDER:

-

The petitioners challenge proceedings initiated under the A.P. Land Encroachment Act, 1905 (for short 'the Act'). One of the grievances of petitioner against the impugned proceedings is that the land for which proceedings under the Act have been issued does not fall under Sy.No.446 but falls under private patta of petitioners' viz., in Sy.No.437/2A. Therefore, initiation of action under the Act is illegal and without jurisdiction.

On 24-09-2012, the following order was passed.

“Post after two (2) weeks 'for admission'.

In the meanwhile, the Assistant Director of Survey and Land Records, Nizambad – the 5th respondent herein, shall take steps to fix the boundaries between the land in Survey Nos.446 and 437/2A of Perkit Village, Armoor Mandal, and furnish a copy of the report to the petitioners. The report shall also indicate as to whether the structures made by the petitioners are in Survey Nos.446 or 437/2A. Till the survey is concluded, the respondents shall not evict the petitioners.”

Sri V.Ravi Kiran Rao, counsel for petitioners, submits that on 31-10-2013 the respondents carried out the interim order dated 24-09-2012, conducted survey and in the panchanama prepared on the even date it was identified that the subject matter of notice impugned in the writ petition, is covered by Sy.No.437/2A but not 446 and consequently no demolition in terms of the impugned proceedings can be initiated.

The Assistant Government Pleader after perusing the

panchanama dated 31-10-2013 submits that the proceedings for removal of encroachment can be initiated only if a person is in possession of Government land but not in private land. He submits that having regard to the panchanama, dated

31-10-2013, the impugned proceedings cannot be given effect to.

The panchanama dated 31-10-2013 is placed on record and having regard to the finding arrived therein, the writ petition is disposed of protecting the structures of petitioners in Sy.No.437/2A of Perkit Village, Armour Mandal, Nizamabad District.

The writ petition is disposed of accordingly. No order as to costs.

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

S. V. BHATT, J

Dt: 08-08-2016

Prv

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.29809 of 2012

-
-
-
-
-

08-08-2016

Prv