

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.26870 of 2012

ORDER:

Petitioners pray for the following relief:

“..to issue a writ or more in the nature of a writ of Mandamus or any other appropriate writ order or direction to restrain the respondent No.1 to 3 from interfering in the petitioner's property and restrain the respondents from converting the petitioners land in to Market (Santha or Angadi) admeasuring Ac.6-00 guntas in Sy.No.262, situated at Sarapaka Village, Burgamphad Mandal, Khammam District, which is arbitrary, illegal and violative of the Constitution of India and against the principles of natural justice ...”

2. The Tahsildar, Burgamphad, filed counter affidavit on behalf of respondents. After perusing the counter affidavit, this Court is of the view that the fact in issue presented by the petitioners need not be considered at this stage of the matter. However, to allay the fears expressed by the petitioners the following reply of the third respondent is excerpted:

“Hence the writ petitioners and their fathers has no right to continue in occupation of the Government land, after the date 07.10.1969. It is a fact that respondent 3 has visited the said land in order to verify the suitability of land for the purpose of Angadi or weekly market as per the instructions of the respondent 1 and 2. After ascertaining the land suitability, proposals have been submitted to respondent 1, 2 for further allotment. Till to date no land has been allotted for the purpose of the weekly market. Hence the question of taking over the land of the petitioner does not arise. If at all the same land required, the writ petitioners will be evicted as per the provisions given in Land Encroachment Act 1905 only. The above writ petition is filed by misrepresenting the Hon'ble

High Court without any cause of action. Hence the same is liable to be dismissed.”

The statement of respondents is accepted and the writ petition is disposed of accordingly. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

S. V. BHATT, J

September 1, 2016
DSK

