

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION Nos.40851 & 24814 OF 2016

COMMON ORDER:

W.P.No.40851 OF 2016:

This writ petition is filed declaring the action of the respondents 3 to 8 in not conducting the survey for demarcation and fixing the boundaries of the petitioners' lands admeasuring Ac.4.54 cents in Sy.No.241/4A, Yedavalli Village, Lingampalem Mandal, Eluru, West Godavari District, as illegal and arbitrary.

W.P.No.28414 OF 2016:

This writ petition is filed declaring the action of the respondents 5 to 7 in insisting the petitioners to vacate from an extent of AC.0.40 cents out of Ac.5.52 cents covered by Sy.Nos.241/2 and 241/3A of Yedavalli Village, Lingampalem Mandal, Eluru, West Godavari District, as illegal and arbitrary.

The writ petitioners in W.P.No.40851 of 2016 are the respondents 8 and 9 in W.P.No.28414 of 2016 and the writ petitioners in W.P.No.28414 of 2016 are the respondents 9 to 11 in W.P.No.40851 of 2016.

Since the parties and the subject matter of the above writ petitions are one and the same, both are heard together and disposed of by this Common Order and the parties will be referred to as they are arrayed in W.P.No.40851 of 2016.

The case of the petitioners is that they are the absolute owners of the agricultural land admeasuring Ac.4.54 cents in Sy.No.241/4A, Yedavalli Village, Lingampalem Mandal Eluru, West Godavari District. Petitioners' father's name was entered in the revenue records and authorities have also issued pattadar pass book in respect of the subject land and after his death, the petitioners inherited the subject property. While so, the respondents 9 to 11 are trying to encroach Ac.0.40 cents of the petitioners' land. Petitioners made representation on 18.07.2016 requesting the authorities to conduct survey of the subject land and fix the boundaries to avoid future dispute and litigations. In spite of the same, no action has been taken by the respondents. Aggrieved by the same, the present writ petition is filed.

On the other hand, the case of the respondents 9 to 11 is that the respondents 5 to 7 are insisting them to vacate from an extent of AC.0-40 cents out of Ac.5.52 cents covered by Sy.Nos.241/2 and 241/3A of the same village.

Heard the learned counsel for the petitioners, learned Assistant Government Pleader for Revenue and the learned counsel for respondents 9 to 11.

Learned counsel for both sides submits that the writ petitions can be disposed of with a direction to the authorities to conduct survey of the subject lands and fix the boundaries.

In view of the above, the 3rd respondent is directed to conduct survey and demarcate the subject lands, after

issuing notice to the petitioners as well as the respondents 9 to 11 (who are petitioners in W.P.No.28414 of 2016) and take action accordingly. However, it goes without saying that the authorities can only conduct survey but cannot deliver the possession. There shall be no order as to costs.

As a sequel, miscellaneous petitions pending if any, shall stand closed.

A.RAJASHEKER REDDY,J

31.01.2017
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