

HON'BLE SRI JUSTICE S.V. BHATT

W.P. No.13863 OF 2016

ORDER:

Petitioners claim to be in possession of small extents of land in Survey No.199 of Dronadula Village, Addanki Taluk, Martur Mandal.

The petitioners rely upon assignment granted in their favour and claim to be in continuous possession from the date of assignment. The cause of action for filing the writ petition is that the respondents without recourse to law are trying to dispossess the petitioners from petition land. Hence the writ petition.

The 5th respondent filed counter affidavit and by way of reply it is stated that Survey No.199 covers an extent of Ac.20-40 cents of Dronadula Village, Martur Mandal and is classified as Tank Poramboke as per the R.S.R. The 5th respondent categorically denies that the assignment referred to in the writ affidavit is illegal and not existing. The 5th respondent further states that the State Government has initiated the revival of tanks in the State and as part of the said programme action has been taken to remove the silt or deepen the water spread area. The 5th respondent though has filed counter affidavit running into four pages does not categorically say anything on possession pleaded by petitioners. Photos filed along with the writ affidavit to some extent show cultivation or enjoyment by a few persons. Having regard to the incompleteness in the pleadings of both parties and to get the

matter in a properly initiated enquiry, the writ petition is disposed of by this order:

The parties are directed to maintain status quo as on today for a period of six weeks. The 5th respondent causes physical inspection of subject tank and the 5th respondent, if finds enjoyment or cultivation by petitioners, puts them on notice and removes the encroachment. On the other hand, if the tank bed is free from encroachment, the 5th respondent takes steps preventing encroachment of tank bed in future.

No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

Date: 03.07.2017
Sp



S.V.BHATT, J

