

HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.14970 of 2013

ORDER:

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

2. Petitioner contends that he is the owner of the land admeasuring Ac.0.16 cts in Sy. No.741, Ac.4.82 cts in Sy. No.742 and Ac.46.00 cts in Sy. No.743/2B of Kadivedu Revenue village, Chillakuru Mandal; that a portion of the land was obtained under an exchange deed, some land is ancestral land and the rest was purchased under registered sale deeds; and the respondents issued pass books and title deeds to the petitioner in respect of the said land. He alleged that suddenly the 3rd respondent treated the land as Government land and put up a board on 07-05-2013 stating that the land belongs to the Government. He contends that this action of the respondents is illegal, arbitrary and violates Articles 14 and 300-A of the Constitution of India.

3. No counter affidavit has been filed in this Writ Petition for almost four years.

4. The matter had been listed on 18-04-2017, and time was granted till 24-04-2017 to file the counter affidavit finally. In spite of the said opportunity being given, no counter affidavit is filed by the respondents. Therefore, the allegations of the petitioner in the Writ Petition are deemed to be admitted.

5. *Prima facie*, the pattadar pass books and title deeds issued to the petitioner show that the land claimed by the petitioner is private land and it is not Government land. If the respondents are of the opinion that the said land is Government land, they have to either file a Civil Suit or initiate proceedings under A.P. Land Encroachment Act, 1905, to dispossess the petitioner from the subject land. Without following any such procedure, it is not open to the respondents to simply plant a board in the property claimed by the petitioner stating that it is Government land. This action on the part of the respondents is clearly arbitrary and violates Articles 14 and 300-A of the Constitution of India.

6. Therefore, the Writ Petition is allowed and the respondents are directed to remove the Board put up in the petitioner's land within three weeks from the date of receipt of a copy of this order and they shall not interfere with the possession and enjoyment of the petitioner over the said land. However, it is open to the respondents to initiate appropriate proceedings either in a Civil Court or under the A.P. Land Encroachment Act, 1905, if they wish to dispossess the petitioner from the land. The 3rd respondent shall also pay costs of Rs.1000/- (Rupees One Thousand only) to the petitioner.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 24-04-2017

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