

HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.34467 OF 2013

ORDER:

The petitioner prays for the following relief:

“....this Hon'ble Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the second respondent in interfering with petitioner possession and enjoyment of the land in Survey No. 470/2A(part) in an extent of Ac.1-00 (dry) of Ponnaluru Village, Ponnaluru Mandal, Prakasam District, A.P. without due process of Law is arbitrary, unjust and illegal besides violation of principles of natural justice and direct the second respondent not to interfere with petitioner possession and enjoyment of land survey No. 470/2A (part) in an extent of Ac.1-00 (dry) of Ponnaluru Village, Ponnaluru Madnal, Prakasam District, A.P. after calling for the records and to grant such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case”.

This Court, on 29.11.2013, granted the following interim order:

“Learned Assistant Government Pleader for Revenue (Andhra area) takes notice for the respondents and seeks time for filing counter affidavit.

Post on 30.12.2013.

Pending further orders, the respondents shall not interfere with the petitioner's possession of Ac.1-00 of dry land in Survey No.470/2A (Part) of Ponnaluru Village and Mandal, Prakasam District”.

The stand of 2nd respondent in the counter affidavit reads thus:

“In reply to para No.4 of the affidavit, it is respectfully submitted that the contention of the petitioner that the Tahsildar, Ponnaluru at the instance of Gram Panchayat Sarpach wanted to assign the land which was assigned to the petitioner that on 22.11.2013 the Mandal Surveyor, Revenue

Inspector and Village Revenue Officer along with the village servants visited the land in Sy.No.470/2A with a view to assign the land to third party and threatened to evict the petitioner without giving an opportunity, are all false and denied. It is pertinent to mention here that as per the records of this office no DKT patta issued to the petitioner herein in fact the petitioner illegally occupied the government land. In fact the land was inspected by the Mandal Surveyor in the month of October, 2013 in order to select government land for allotment to the Tribal Welfare Department and proposed Ac.1-50 Cts out of the total extent of Ac.2-92 Cts. The proposals are at the initial stage. The Tribal Welfare Department have to inspect the land and offer their willingness etc., or otherwise of the land. After that the land to be sub divided, objections if any from the villagers to be called for and proposals to be sent to the District Collector for consideration. The assumption that the petitioner will be evicted without an opportunity is not correct. If at all the land under the occupation of the petitioner is required for public purpose, the procedure required for eviction under law will be followed. Hence the interim order needs to be vacated."

The statement of 2nd respondent is placed on record and the writ petition is disposed of. There shall be no order as to costs.

Consequently, pending miscellaneous petitions stand closed.

S.V.BHATT, J

19th July, 2017

Lrkm