

HON'BLE SRI JUSTICE S. V. BHATT

Writ Petition No.24779 of 2017

ORDER:

Heard Mr. Kiran Palakurthi for petitioner and the Assistant Government Pleader (Revenue) for respondents.

2. The petitioner prays for the following relief:

“..writ of *mandamus* declaring the action of the respondents more particularly 4th respondent in trying to dispossess the petitioner and interfere with his possession in respect of his agricultural land by digging trench in his land admeasuring an extent of ac.0.20 gts in Sy.No.231/ E and Ac.1.20 Gts in Sy.No.232/ A/ 2, totalling an extent of Ac.2.00 gts situated within the revenue limits of Shettipalem Village, Vemulapalli Mandal, Nalgonda District, without following due process of law, as illegal and arbitrary.

3. On 26.07.2017, at request of the Assistant Government Pleader, the writ petition is directed to be listed today for filing counter-affidavit or getting instructions in the subject writ petition. The Assistant Government Pleader basing on written instructions submits that the subordinate officers of respondents 3 and 4 are not interfering with the subject matter of the writ petition but are undertaking activity in Sy.No.11, which according to respondents, is on southern side of the subject matter of writ petition.

4. Mr. Kiran submits that the 4th respondent cannot assume that the land in possession of petitioner is covered by Sy.No.11 of Etikyala village. For identification of property, minimum requirement of survey is with reference to Field maps and Village maps and by issuing notice to the petitioner and boundaries if are fixed in the presence of petitioner, the extent of enjoyment encroached is known. Thereafter, the

respondents can certainly undertake activities in the land belonging to the Government.

5. The submission of the learned counsel is fair and reasonable.

Hence, I am satisfied, the writ petition can be disposed of by this order.

(a) The parties are directed to maintain *status quo* as regards possession and physical features of subject matter of writ petition, for a period of two months from today;

(b) The 4th respondent is given liberty to serve notice of survey and demarcation of subject matter and also Sy.No.11 of Etikyala village;

(c) The 4th respondent issues notice and undertakes survey in the presence of petitioner.

(d) If the petitioner does not cooperate, the 4th respondent is given liberty to send notice to petitioner by Registered post with acknowledgment due and proceed in the matter.

6. The writ petition is accordingly disposed of. No order as to costs. Pending miscellaneous petitions if any in this writ petition shall stand dismissed in consequence.

S.V.BHATT, J

Date: 28.07.2017
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Date: 28.07.2017

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