

HON'BLE SRI JUSTICE S.V. BHATT

W.P.No12772 OF 2016

ORDER:

The petitioner prays for Mandamus declaring the threatened dispossession of petitioner from part of land measuring 103 2/9 sq. yards adjacent to H.No.6-8-41 in Sy.Nos.66/6 and 66/3 of LA.Sagaram @ Agraharapeta of Naidupeta Village and Mandal, SPSR Nellore District on the ground that an extent of 30 sq. yards of Government land is included in 103 2/9 sq.yards, as illegal, arbitrary and unconstitutional.

The Assistant Government Pleader relies upon written instructions dated 12.12.2016 and contends that Sy.Nos.66/6 and 66/3 do not belong to Government, but Government has land in Sy.No.66/5. The petitioner was prevented from undertaking constructions only in Sy.No.66/5, but not Sy.Nos.66/6 and 66/3 adjacent to H.No.6-8-41. From the above, it is clear that the property claimed by petitioner is to be restricted to the private patta land and at the same time in asserting right and title to the patta land, the petitioner ought not to be allowed to encroach into Sy.No.66/5 of LA Sagaram.

The writ petition, having regard to the nature of dispute, is disposed of by this order.

“The Tahsildar, Naidupeta Mandal/3rd respondent conducts survey in the presence of petitioner, delineates Sy.Nos.66/6 and 66/3 on the one hand and Sy.No.66/5 on the other. The authorities are entitled to prevent encroachment or construction in Sy.No.66/5.

Likewise, respondents shall not interfere with the possession and enjoyment of petitioner of land in Sy.Nos.66/6 and 66/3 of LA.Sagaram @ Agraharapeta of Naidupeta Village and Mandal, SPSR Nellore District, except in accordance with law.

There shall be no order as to costs.

Consequently, pending miscellaneous petitions, if any, stand closed.

S.V.BHATT, J

27th June, 2017

Lrkm

