

**HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

**WRIT PETITION No.2062 OF 2017**

**ORDER**

The case of the petitioner is that he has purchased the agricultural land in the name of his wife vide registered sale deed bearing Doc.No.1234/2002 dated 19.12.2002 for valid consideration. Adjacent to the said property, there is a cart way which leads to Gorantla to Meredpalli Village. While so, the 5<sup>th</sup> respondent encroached the land in Sy.No.236 which is a Government property and assigned land including the Hindu graveyard and existing borewell. Since the existing cart way adjacent to the petitioner's property is not connecting to the property encroached by the 5<sup>th</sup> respondent, the 5<sup>th</sup> respondent at the instance of the authorities is trying to make a straight way from petitioner's property to his occupied land. In respect of the same, petitioner made representation to the respondents requesting them to follow procedure contemplated under law if the property is required for public purpose. But the respondents, without considering the said request are trying to interfere with the petitioner's property, at the instance of the 5<sup>th</sup> respondent. Aggrieved by the same, the present writ petition is filed.

Heard the learned counsel for the petitioner.

Learned Assistant Government Pleader for Revenue produced written instructions issued by Tahsildar, Gorantal-2<sup>nd</sup> respondent wherein it is stated that the petitioner has purchased the land in Sy.No.235-1 under Doc.No.1234/2002 and on 09.12.2002 a “khararunama” was executed between the petitioner and his vendor leaving road of 10 meters to the east and 11 meters to the North, for the public use, which goes from the middle of the patta lands. As per the enquiry, it is known that since 40 to 50 years back, an oral understanding was made among the adjacent pattadars to leave the road. But the petitioner is objecting the villagers from passing from the said road by digging pits in the middle.

Learned Standing counsel for respondents 4 and 5 reiterated the contents of the written instructions issued by the 2<sup>nd</sup> respondent.

In this case, it is to be seen that even according to the petitioner’s plan, there is a cart way from patta lands and the instructions issued by the Tahsildar also state that since the petitioner is digging pits in the pathway, the necessary steps have been taken to see that villagers are not objected by the petitioner from passing from the said road. Petitioner has not even mentioned the extent of land he purchased.

In view of the above facts and circumstances, this Court cannot go into the disputed questions of fact and decide the title of the petitioner. Moreso, the respondent authorities assert that they are not interfering with the possession of the petitioner and in fact the petitioner is digging pits in the middle of the pathway. Hence, the writ petition is dismissed. No costs.

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

Date: 13.02.2017  
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**A.RAJASHEKER REDDY,J**

