

THE HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 6461 of 2008

ORDER:

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

2. The present Writ Petition came to be filed seeking issuance of writ of Mandamus declaring the action of respondents in taking steps to acquire the land of the petitioner admeasuring Ac.1.00 cent situated in Survey No.36 of Peddamanthuru Village of Roddam Mandal, Anantapuramu, without following any procedure and without initiating proceedings under any of the statutes as illegal and arbitrary.

3. By an order dated 27.03.2008, this Court granted *status quo* to be maintained by the parties. Subsequently, the said interim order was extended until further orders. The vacate stay application came to be filed in the month of April, 2016. Paragraph No.10 of the counter filed by the Tahsildar reads as under:

“Finally it is submitted that the writ petitioner is having his own patta land i.e., Survey No.47 very adjacent to the writ petition land with a malafide intention for occupying the proposed land admeasuring Ac.1.00 in Survey No.36 out of Acs.66.22 cents classified as Thimmapuram Talavu (Thimmapuram Tank). Thus this writ petition was filed. He has no rights to occupy this Thimmapuram Talavu (Tank) as it is a cheruvu. Further it is submitted that it is fact that the revenue authorities have proposed for house sites to the villagers in the year 2008. But the action was withdrawn for issue of house sites in the writ petition land because the proposed site is submersible area. Further the house site pattas were issued in another Survey No.52 i.e., Gramakantam in the same village. Houses also constructed. Now there is no need to take the above writ petition land to Government.”

4. In view of the specific averments made in counter that the action for issuance of house site patta in respect of land in dispute was withdrawn and that the house site pattas were already issued in Survey No.52 i.e., Gramakantam, in the same village, this Court is of the view that no further orders are necessary in the writ petition.

5. Accordingly, the writ petition is closed. There shall be no order as to costs.

6. Miscellaneous petitions, pending if any, shall stand closed in the light of this final order.

JUSTICE C. PRAVEEN KUMAR

19.01.2017  
vhb

