

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

Writ Petition No.1528 of 2011

ORDER:

The relief sought for in this Writ Petition is for a mandamus to declare the action of the respondents in trying to construct a compound wall, through the petitioner's patta land in Survey No.135 to an extent of Ac.6.25 cents of Charla Village and Mandal, Khammam District without conducting any survey and without giving him any notice, as arbitrary and illegal.

The petitioner's case, in short, is that he is carrying on agricultural operations in his land; the respondents were trying to construct a compound wall on his patta land; such construction was without any survey or demarcation, and without notice to the petitioner; the petitioner's mother was the original pattadar; the Settlement Officer had granted a patta in her favour in Case No.9098 dated 30.01.1989; she has been paying land tax regularly; pattadar passbook and title deeds were issued in favour of his mother; after his mother expired, he continued to retain possession and enjoyment of the land by raising agricultural crops; a survey was conducted by the revenue authorities in the year 2001, and boundary stones were put on the petitioner's land; and because of the high-handed acts of the respondents, who are seeking to evict him from his land, he was constrained to invoke the jurisdiction of this Court.

No counter-affidavit is filed by the respondents. It is, therefore, not known whether or not a compound wall has been constructed over the petitioner's land. Suffice it to hold that, in case the compound wall is being constructed over the land belonged to the petitioner, the respondents shall do so only in accordance with law,

that too after putting the petitioner on notice, and after giving him an opportunity of being heard; and, in case the subject land belongs to the Government and has been encroached upon by the petitioner, it is open to the respondents to have him evicted therefrom in accordance with law, after putting him on notice and giving him an opportunity of being heard. It is made clear that this Court has not expressed any opinion on whether or not the subject land belongs to the petitioner.

The Writ Petition is, accordingly, disposed of. The Miscellaneous Petitions pending, if any, shall also stand disposed of. No order as to costs.

Date:08.12.2017.
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RAMESH RANGANATHAN, ACJ.