

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.5757 OF 2017

ORDER

This writ petition is filed challenging the action of respondents 2 to 7 in threatening to dispossess the petitioner from his land in an extent of Ac.0.15 cents in Sy.No.58/2B of Bhimadolu Village and Mandal, West Godavari District, without following due process of law.

Now, a counter-affidavit is filed along with petition seeking vacation of the order dated 22.02.2017 stating as follows:

“In this regard, this respondent submits that the so called Veterinary Hospital is situated in a land to an extent of Ac.0.05 cents in RS.No.58/3. The petitioner herein is claiming title to the property situated in R.S.No.58/2B. The said two properties are two different and the Gram Panchayat is nothing to do with the property situated in R.S.No.58/2B. The petitioner herein under the guise of alleged right over the property situated in Sy.No.58/2B claiming right on the Veterinary Hospital situated in Sy.No.58/3.

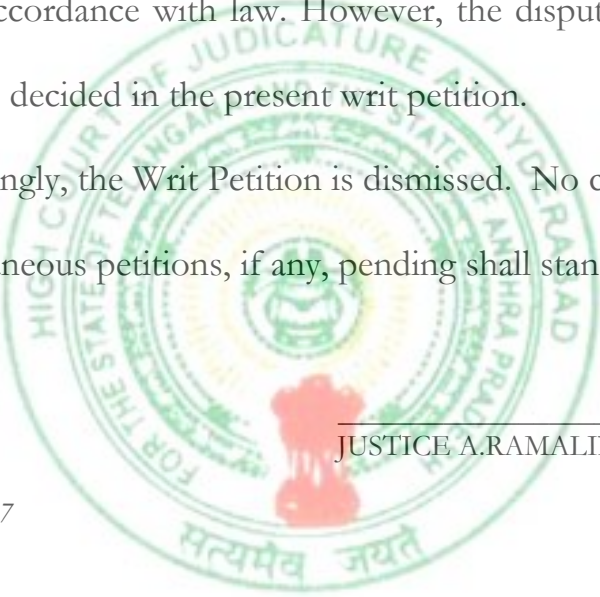
It is submitted that the averments so made in Para 5 of the affidavit filed in support of the writ petition are all untenable. It is further relevant and appropriate to state here that the Mandal Surveyor has given a location sketch for R.S.Nos.58/1, 2A, 2B, 3, 4 and 5. A perusal of the said sketch it clearly shows that the location of R.S.No.58/3 to an extent of Ac.0.78 cents is shown as Poramboke Government land. Even the land in R.S.No.58/2B is shown as Cheruvu Poramboke Government land. Incidentally the surveyor has also shown the location of abandoned Veterinary Hospital in R.S.No.58/3. (The said

location sketch is herewith is filed and the same may be perused as part and parcel of this affidavit). A perusal of the same, it clearly shows that the petitioner is not having any property even in R.S.No.58/B. It is submitted that if at all the petitioner wants to claim any right or title over the property has to approach competent civil Court.”

In view of the same, as the dispute is with regard to identity of the land and claim over the land, it is for the petitioner to work out his remedies in accordance with law. However, the disputed questions of fact cannot be decided in the present writ petition.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.



JUSTICE A.RAMALINGESWARA RAO

19th September, 2017
rkk