

HON'BLE SRI JUSTICE S. V. BHATT

Writ Petition No.13950 of 2016

ORDER:

Heard Mr. T.D. Phani Kumar for petitioners and the learned Assistant Government Pleader (Revenue) for respondents.

2. The petitioners pray for writ of *mandamus* declaring the action of respondents 3 and 4 in interfering and trying to dispossess the petitioners from an extent of 330.55 sq. yards in Plot No.293 and to an extent of 360.88 sq. yards in Plot No.292 in Sy.No.7/1 of Darapalem Village, Mudasarlova Mandal, on the ground that the possession of subject property of the petitioners is in Sy.No.20 of the same village but not Sy.No.7/1. The petitioners also pray for enquiry into the location of plots with reference to approved layout No.PR.No.31D/31-7-72.

3. This court on 25.04.2016 granted the following interim direction:

“There shall be interim direction as prayed for. However, this will not preclude the respondents from conducting a survey and determining whether the land claimed by petitioners is located in Sy.No.7/1 of Dharapalem Village, Mudasarlova Mandal, Visakhapatnam District or in Sy.No.20 thereof after giving notice to petitioners.”

4. The Assistant Government Pleader (Revenue) submits that after obtaining the interim order, the petitioners are not cooperating with the department for conducting survey, demarcation of Sy.No.7/1 on one hand and Sy.No.20 on the other, but the petitioners are continuing to enjoy the land in Sy.No.20. Mr. T.D. Phani Kumar, disputes the statement of 4th respondent and he submits that the petitioners are ready to participate in the survey for identification of respective survey

numbers and to find out the location of plots purchased by them in approved layout No.PR.No.31D/ 31-7-72.

5. This court is of the view that the first step required in this behalf is to identify the land in Sy.No.7/ 1 and Sy.No.20 of Dharapalem Village and then identify the plots of petitioners with reference to approved lay out and also the documents on which the petitioners are relying upon.

6. Learned counsel consent to disposing of the writ petition by this order.

(a) The 4th respondent is directed to issue notice of survey to petitioners by registered post with acknowledgment due, entrust the matter for survey and demarcation and receive representation and proceed in the matter, subject to outcome of such survey.

(b) The said exercise shall be completed within three months from today.

(c) The parties are directed to maintain *status-quo* as regards to possession and physical features of the subject matter of the writ petition, for a period of three months from today.

7. The writ petition is accordingly disposed of. No order as to costs. Pending miscellaneous petitions if any in this writ petition shall stand dismissed in consequence.

Date: 21.07.2017
BSS

S.V.BHATT, J

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