

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

Writ Petition No.13786 of 2010

ORDER:

The petitioner claims to have purchased 7½ cents of land in Survey No.88 of Kambhalapadu Village, Podili Mandal, Prakasam District. On the ground that the adjacent land was vacant, the petitioner requested the Government to allot the same in his favour. He invoked the jurisdiction of this Court seeking a mandamus to declare the action of the respondents, in interfering with the construction of his building in Survey No.88, as arbitrary and illegal.

By interim order dated 25.06.2010 this Court, while directing the petitioner not to raise any construction in Survey No.87, permitted him to raise constructions in Survey No.88.

Smt.P.Radhika, Learned Counsel for the petitioner, would submit that, subsequently, the petitioner had filed W.P.No.4301 of 2014 seeking a direction to the Government to allot the encroached portion of the land in Survey No.87 in his favour; the said writ petition was disposed of, by order dated 17.02.2014, directing the petitioner to make a representation, and for the government to consider the said representation; and the petitioner's request, for being allotted the land encroached by him in Survey No.88, was rejected by the Government.

As the petitioner's request for allotment of government land was rejected, the petitioner must confine construction of the building only in his land in Survey No.88, and not beyond. Suffice it to make it clear that, in case the petitioner has encroached upon government land in Survey No.88, it is open to the respondents to take action, for his eviction, in accordance with law.

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

RAMESH RANGANATHAN, ACJ.

Date:24.11.2017.
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