

THE HON'BLE SRI JUSTICE S. V. BHATT

WRIT PETITION No.651 of 2009

ORDER:

Heard Mr. V.Ravi Kiran Rao for petitioners, Assistant Government Pleaders for Panchayat Raj and Revenue, and Mr. G.Narender Reddy for Respondents 2 and 3.

2. The petitioners complain against the Respondents for encroachment and construction of compound wall in an extent of 25 cents, equivalent to 10 guntas, out of Ac.9.45 guntas in Sy.No.8/ 2 of Rajampet village, Asifabad district without recourse to law, as arbitrary and unconstitutional.

3. On 21.01.2009, this Court directed the Respondent No.4 as follows:

“Notice before admission returnable in two weeks to Respondents 3 to 6. Post after three weeks.

In the meanwhile, the Respondents shall not make any construction in Survey No.8/ 2 of Rajampet village till the boundary between the land of the petitioners and the School is fixed by the concerned authority. The petitioners shall immediately file an application for demarcation of the land.

The Tahasildar shall cause the survey, within two weeks.”

4. The learned counsel appearing for the parties placed before the Court the survey said to have been conducted by the 4th respondent and submits that the survey or the report filed by the

4th Respondent does not, in fact, resolve the issue complained by the petitioners in the writ petition. The fact of the matter is the compound is already constructed by the 5th Respondent and is in the encroachment of Respondents Nos. 1, 2 and 5.

5. Mr. Ravi Kiran Rao, after perusing the survey and the report of the 4th Respondent submits that this Court consider disposing of writ petition by directing the 4th Respondent to survey the area afresh in the presence of Respondents 1 to 3 & 5, Telangana State Road Transport Corporation (TSRTC) and the petitioners herein, to resolve the encroachment alleged by the petitioners. The learned Assistant Government Pleaders are also unable to assist the Court basing on the report dt. 04.07.2009.

6. To meet the ends of justice and to resolve the dispute, I am satisfied the writ petition can be disposed of by this order. The petitioners are given liberty to apply to 4th Respondent for survey of the land in Sy.No.8/ 2 of Rajampet village by enclosing a copy of this order, within four weeks from the date of receipt of copy of this order. The 4th Respondent is directed to issue notices to petitioners as well as Respondents 1 to 3 & 5, and TSRTC, conduct survey of the land in the presence of the parties, examine the tippons, measure the lands Survey Number wise, and communicate the report to the participants. Thereafter it is open to the parties, if necessary, to work out their remedies according to law.

7. The writ petition is accordingly disposed of. As a sequel, the miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

S. V. BHATT, J

January 20, 2017
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Dated: January 20, 2017

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