

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION NO.1390 OF 2018

ORDER:

1. Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents.

2. The petitioner states that she is having lands in Survey No.319/A/1 in an extent of Ac.1.00 guntas and in Survey No.320/E/1 in an extent of Ac.1.00 guntas, totally admeasuring Ac.2.00 guntas situated in Thimmapur Village of Warangal Fort (Hanamkonda Mandal), which was purchased under registered sale deed dated 12.12.2011. The name of the petitioner was also mutated in the Revenue Records and she was issued pattadar passbooks and title deeds. She constructed house in ground floor by obtaining permission from the Gram Panchayat way back on 24.7.2012. It was allotted House No.5-64/3. The present Writ Petition was filed alleging that the respondents 2 to 5, without any right and title, are trying to enter into the land of the petitioner for the purpose of laying road.

3. When the matter was adjourned on 19.1.2018, the petitioner was permitted to raise her objections with regard to the interference and accordingly, she submitted her objections on 24.1.2018. It appears that the 5th respondent issued a notice on 9.2.2018 Under Section 7 of the Land Encroachment

Act, in respect of Ac.0.05 guntas of land in Survey No.241 of Timmapur village and the petitioner submitted her explanation.

4. Now learned Government Pleader, on the basis of written instructions, submits that the petitioner raised single room temporary structure and tin sheeted shed in the Government land situated in Survey No.241 of Thimmapur village by encroaching an extent of Ac.0.05 guntas. When the Government noticed illegal encroachments in the Government land, the outer boundaries of Survey No.241 were fixed and trenching was made as land mark. The said trenching was done in the Government land situated in Survey No.241 only. The petitioner applied for demarcation of her land situated in Survey No.241 vide her application dated 12.1.2018 and her patta land was demarcated and boundaries were shown.

5. In view of the above facts, the land of the petitioner is situated in Survey No.319/A/1 and in Survey No.320/E/1 of Timmapur village whereas, the Government land is situated in Survey No.241. Now, it is alleged by the Government that the petitioner encroached an extent of Ac.0.05 guntas of land situated in Survey No.241 for which, an appropriate notification was issued Under Section 7 of the Land Encroachment Act. The petitioner submitted her explanation to the same. In view of the same, there is no basis for the apprehension of the

petitioner and the 5th respondent is directed to pass appropriate orders in accordance with law with regard to the encroached land and it is open to the petitioner to take appropriate steps in the event of passing an adverse order against the petitioner.

6. The Writ Petition is, accordingly, disposed of.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

Date: 13.3.2018

KPM

A. RAMALINGESWARA RAO,J

