

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

WRIT PETITION No.27310 OF 2016

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed to declare the inaction of the 2nd respondent in not taking any steps to remove the encroachments made in Nandigunta Irrigation Tank of Pagadalapalli Village, Gudur Mandal, SPSR Nellore District, based on the report of Mandal Surveyor bearing Rc.No.A6/299/2016, dt.02.05.2016 identifying the encroachments.

The petitioner is the native of Pagadalapalli Village, Gudur Rural Mandal, SPSR Nellore District. He complained that there are encroachments on Nandigunta Irrigation Tank of Peddapalli Village, Gudur Mandal, and whereby a Mandal Surveyor was appointed calling for his report, who in turn submitted a report vide Rc.No.A6/299/2016, dt.02.05.2016, identifying the names of the encroachers along with sketch prepared, for removal of the encroachments.

The petitioner was also made a representation to remove the encroachments to the 4th respondent and to the Ministry of Urban Development, and the Ministry of Urban Development has issued certain proceedings directing the 2nd respondent to remove the encroachments duly following the procedure, despite the 4th respondent did not take steps to remove the encroachments complained in the petition.

As per the report submitted by the Assistant Commissioner, District Surveyor & Land Records, SPSR Nellore District, 13 persons have encroached different extents of land in different

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survey numbers and the encroachments are also identified in the sketch prepared by the Surveyor filed along with the report, but so far no action was taken by the 4th respondent to remove the encroachments.

Learned Government Pleader for Revenue (A.P.), on instructions in writing in Rc.B.35/2017 dt.25.04.2018 from the office of Tahasildar, Gudur, submitted that the proceedings are initiated for removal of encroachments as per the law, in pursuance of the report submitted by the Assistant Commissioner, District Survey and Land Records, SPSR Nellore District, and also directed the Mandal Development Officer to erect fencing around the land in an extent of Ac.9.70 cents in Sy.No.184/2, Ac.4.14 cents in Sy.No.191, which was classified as Nandigunta Poramboke under MGNREGS so as to Provide employment and to safeguard the land from future encroachments.

In view of the written instructions to the Government Pleader placed on record, the 4th respondent is directed to complete removal of encroachments within 3 months from the date of receipt of a copy of this order.

With the above direction, the writ petition is allowed. No costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

M. SATYANARAYANA MURTHY, J

Date: 25.04.2018
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